

93^d CONGRESS
2^d SESSION

S. 3044

IN THE SENATE OF THE UNITED STATES

APRIL 11, 1974

Ordered to be printed as passed

AN ACT

To amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Federal Election Cam-
- 4 paign Act Amendments of 1974".

1 TITLE I—FINANCING OF FEDERAL CAMPAIGNS

2 PUBLIC FINANCING PROVISIONS

3 SEC. 101. The Federal Election Campaign Act of
4 1971 is amended by adding at the end thereof the following
5 new title:

6 “TITLE V—PUBLIC FINANCING OF FEDERAL
7 ELECTION CAMPAIGNS

8 “DEFINITIONS

9 “SEC. 501. For purposes of this title, the term—

10 “(1) ‘candidate’, ‘Commission’, ‘contribution’, ‘ex-
11 penditure’, ‘national committee’, ‘political committee’,
12 ‘political party’, or ‘State’ has the meaning given it in
13 section 301 of this Act;

14 “(2) ‘authorized committee’ means the central cam-
15 paign committee of a candidate (under section 310 of
16 this Act) or any political committee authorized in writ-
17 ing by that candidate to make or receive contributions
18 or to make expenditures on his behalf;

19 “(3) ‘Federal office’ means the office of President,
20 Senator, or Representative;

21 “(4) ‘Representative’ means a Member of the
22 House of Representatives, the Resident Commissioner
23 from the Commonwealth of Puerto Rico, and the Dele-
24 gates from the District of Columbia, Guam, and the Vir-
25 gin Islands;

1 “(5) ‘general election’ means any regularly sched-
2 uled or special election held for the purpose of electing
3 a candidate to Federal office or for the purpose of elect-
4 ing presidential and vice presidential electors;

5 “(6) ‘primary election’ means (A) an election,
6 including a runoff election, held for the nomination by
7 a political party of a candidate for election to Federal
8 office, (B) a convention or caucus of a political party
9 held for the nomination of such candidate, (C) a
10 convention, caucus, or election held for the selection of
11 delegates to a national nominating convention of a
12 political party, and (D) an election held for the
13 expression of a preference for the nomination by a
14 political party of persons for election to the office of
15 President;

16 “(7) ‘eligible candidate’ means a candidate who is
17 eligible, under section 502, for payments under this title;

18 “(8) ‘major party’ means, with respect to an election
19 for any Federal office—

20 “(A) a political party whose candidate for election
21 to that office in the preceding general election for that
22 office received, as the candidate of that party, 25 per-
23 cent or more of the total number of votes cast in that
24 election for all candidates for that office, or

25 “(B) if only one political party qualifies as a major

1 party under the provisions of subparagraph (A), the
2 political party whose candidate for election to that office
3 in that election received, as the candidate of that party,
4 the second greatest number of votes cast in that election
5 for all candidates for that office (if such number is equal
6 to 15 percent or more of the total number of votes cast
7 in that election for all candidates for that office, and
8 if, in a State which registers voters by party, that
9 party's registration in such State or district is equal to
10 15 per centum or more of the total voter registration
11 in said State or district) ;

12 “(9) ‘minor party’ means, with respect to an election
13 for a Federal office, a political party whose candidate for
14 election to that office in the preceding general election for
15 that office received, as the candidate of that party, at least
16 5 percent but less than 25 percent of the total number of
17 votes cast in that election for all candidates for that office;
18 and

19 “(10) ‘fund’ means the Federal Election Campaign
20 Fund established under section 506 (a) .

21 “ELIGIBILITY FOR PAYMENTS

22 “SEC. 502. (a) To be eligible to receive payments
23 under this title, a candidate shall agree—

24 “(1) to obtain and to furnish to the Commission any

1 evidence it may request about his campaign expenditures
2 and contributions;

3 “(2) to keep and to furnish to the Commission any
4 records, books, and other information it may request;

5 “(3) to an audit and examination by the Commis-
6 sion under section 507 and to pay any amounts required
7 under section 507; and

8 “(4) to furnish statements of expenditures and pro-
9 posed expenditures required under section 508.

10 “(b) Every such candidate shall certify to the Commis-
11 sion that—

12 “(1) the candidate and his authorized committees
13 will not make expenditures greater than the limitations
14 in section 504; and

15 “(2) no contributions will be accepted by the can-
16 didate or his authorized committees in violation of sec-
17 tion 615 (b) of title 18, United States Code.

18 “(c) (1) To be eligible to receive any payments under
19 section 506 for use in connection with his primary election
20 campaign, a candidate shall certify to the Commission that—

21 “(A) he is seeking nomination by a political party
22 for election as a Representative and he and his authorized
23 committees have received contributions for that cam-
24 paign of more than \$10,000;

1 “(B) he is seeking nomination by a political party
2 for election to the Senate and he and his authorized
3 committees have received contributions for that cam-
4 paign equal in amount to the lesser of—

5 “(i) 20 percent of the maximum amount he
6 may spend in connection with his primary election
7 campaign under section 504 (a) (1) ; or

8 “(ii) \$125,000; or

9 “(C) he is seeking nomination by a political party
10 for election to the office of President and he and his
11 authorized committees have received contributions for
12 his campaign throughout the United States in a total
13 amount of more than \$250,000, with not less than
14 \$5,000 in matchable contributions having been received
15 from legal residents of each of at least twenty States.

16 “(2) To be eligible to receive any payments under
17 section 506 for use in connection with a primary runoff
18 election campaign, a candidate shall certify to the Commis-
19 sion that he is seeking nomination by a political party for
20 election as a Representative or as a Senator, and that he is a
21 candidate for such nomination in a runoff primary election.
22 Such a candidate is not required to receive any minimum
23 amount of contributions before receiving payments under
24 this title.

25 “(d) To be eligible to receive any payments under sec-

1 tion 506 in connection with his general election campaign,
2 a candidate must certify to the Commission that—

3 “(1) he is the nominee of a major or minor party
4 for election to Federal office; or

5 “(2) in the case of any other candidate, he is seek-
6 ing election to Federal office and he and his authorized
7 committees have received contributions for that campaign
8 in a total amount of not less than the campaign fund
9 required under subsection (c) of a candidate for
10 nomination for election to that office, determined
11 in accordance with the provisions of subsec-
12 tion (e) (disregarding the words ‘for nomina-
13 tion’ in paragraph (2) of such subsection and sub-
14 stituting the words ‘general election’ for ‘primary elec-
15 tion’ in paragraphs (2) and (3) of such subsection).

16 “(e) In determining the amount of contributions re-
17 ceived by a candidate and his authorized committees for pur-
18 poses of subsection (c) and for purposes of subsection
19 (d) (2)—

20 “(1) no contribution received by the candidate or
21 any of his authorized committees as a subscription, loan,
22 advance, or deposit, or as a contribution of products or
23 services, shall be taken into account;

24 “(2) in the case of a candidate for nomination for
25 election to the office of President, no contribution from

1 any person shall be taken into account to the extent that
2 it exceeds \$250 when added to the amount of all other
3 contributions made by that person to or for the benefit
4 of that candidate in connection with his primary elec-
5 tion campaign; and

6 “(3) in the case of any other candidate, no con-
7 tribution from any person shall be taken into account
8 to the extent that it exceeds \$100 when added to the
9 amount of all other contributions made by that person
10 to or for the benefit of that candidate in connection with
11 his primary election campaign.

12 “(f) Agreements and certifications under this section
13 shall be filed with the Commission at the time required by
14 the Commission.

15 “ENTITLEMENT TO PAYMENTS

16 “SEC. 503. (a) (1) Every eligible candidate is entitled
17 to payments in connection with his primary election cam-
18 paign in an amount which is equal to the amount of con-
19 tributions received by that candidate or his authorized
20 committees, except that no contribution received as a sub-
21 scription, loan, advance, or deposit, or as a contribution of
22 products or services, shall be taken into account.

23 “(2) For purposes of paragraph (1) —

24 “(A) in the case of a candidate for nomination for
25 election to the office of President, no contribution

1 from any person shall be taken into account to the
2 extent that it exceeds \$250 when added to the amount
3 of all other contributions made by that person to or
4 for the benefit of that candidate for his primary election
5 campaign; and

6 “(B) in the case of any other candidate for nomina-
7 tion for election to Federal office, no contribution from
8 any person shall be taken into account to the extent that
9 it exceeds \$100 when added to the amount of all other
10 contributions made by that person to or for the benefit of
11 that candidate for his primary election campaign.

12 “(b) (1) Every eligible candidate who is nominated by
13 a major party is entitled to payments for use in his general
14 election campaign in an amount which is equal to the amount
15 of expenditures the candidate may make in connection with
16 that campaign under section 504.

17 “(2) Every eligible candidate who is nominated by a
18 minor party is entitled to payments for use in his general
19 election campaign in an amount equal to the greater of—

20 “(A) an amount which bears the same ratio to the
21 amount of payments to which a candidate of a major
22 party for the same office is entitled under this subsection
23 as the total number of popular votes received by the
24 candidate of that minor party for that office in the pre-
25 ceding general election bears to the average number

1 of popular votes received by the candidates of major
2 parties for that office in the preceding general election;
3 or

4 “(B) an amount which bears the same ratio to the
5 amount of payments to which a candidate of a major
6 party for the same office is entitled under this subsection
7 as the total number of popular votes received by that
8 eligible candidate as a candidate for that office (other
9 than votes he received as the candidate of a major party
10 for that office) in the preceding general election bears to
11 the average number of popular votes received by the
12 candidates of major parties for that office in the preceding
13 general election.

14 “(3) (A) A candidate who is eligible under section 502
15 (d) (2) to receive payments under section 506 is entitled
16 to payments for use in his general election campaign in an
17 amount equal to the amount determined under subparagraph
18 (B).

19 “(B) If a candidate whose entitlement is determined
20 under this subparagraph received, in the preceding general
21 election held for the office to which he seeks election, 5 per-
22 cent or more of the total number of votes cast for all can-
23 didates for that office, he is entitled to receive payments for
24 use in his general election campaign in an amount (not in
25 excess of the applicable limitation under section 504) equal

1 to an amount which bears the same ratio to the amount of
2 the payment under section 506 to which the nominee of a
3 major party is entitled for use in his general election cam-
4 paign for that office as the number of votes received by that
5 candidate in the preceding general election for that office
6 bears to the average number of votes cast in the preceding
7 general election for all major party candidates for that office.
8 The entitlement of a candidate for election to any Federal
9 office who, in the preceding general election held for that
10 office, was the candidate of a major or minor party shall not
11 be determined under this paragraph.

12 “(4) An eligible candidate who is the nominee of a
13 minor party or whose entitlement is determined under sec-
14 tion 502 (d) (2) and who receives 5 percent or more of the
15 total number of votes cast in the current election, is entitled
16 to payments under section 506 after the election for expendi-
17 tures made or incurred in connection with his general election
18 campaign in an amount (not in excess of the applicable
19 limitation under section 504) equal to—

20 “(A) an amount which bears the same ratio to the
21 amount of the payments under section 506 to which the
22 nominee of a major party was or would have been en-
23 titled for use in his campaign for election to that office
24 as the number of votes received by the candidate in that
25 election bears to the average number of votes cast for

1 all major party candidates for that office in that election,
2 reduced by

3 “(B) any amount paid to the candidate under
4 section 506 before the election.

5 “(5) In applying the provisions of this section to a
6 candidate for election to the office of President—

7 “(A) votes cast for electors affiliated with a poli-
8 tical party shall be considered to be cast for the Presi-
9 dential candidate of that party, and

10 “(B) votes cast for electors publicly pledged to
11 cast their electoral votes for a candidate shall be con-
12 sidered to be cast for that candidate.

13 “(c) Notwithstanding the provisions of subsections (a)
14 and (b), no candidate is entitled to the payment of any
15 amount under this section which, when added to the total
16 amount of contributions received by him and his authorized
17 committees and any other payments made to him under this
18 title for his primary or general election campaign, exceeds
19 the amount of the expenditure limitation applicable to him
20 for that campaign under section 504.

21 “EXPENDITURE LIMITATIONS

22 “SEC. 504. (a) (1) Except to the extent that such
23 amounts are changed under subsection (f) (2), no candi-
24 date (other than a candidate for nomination for election to
25 the office of President) who receives payments under this

1 title for use in his primary election campaign may make ex-
2 penditures in connection with that campaign in excess of
3 the greater of—

4 “(A) 8 cents multiplied by the voting age popu-
5 lation (as certified under subsection (g)) of the geo-
6 graphical area in which the election for such nomination
7 is held, or

8 “(B) (i) \$125,000, if the Federal office sought is
9 that of Senator, or Representative from a State which is
10 entitled to only one Representative, or

11 “(ii) \$90,000, if the Federal office sought is that
12 of Representative from a State which is entitled to more
13 than one Representative.

14 “(2) (A) No candidate for nomination for election to the
15 office of President may make expenditures in any State in
16 which he is a candidate in a primary election in excess of
17 two times the amount which a candidate for nomination for
18 election to the office of Senator from that State (or for nomi-
19 nation for election to the office of Delegate in the case of the
20 District of Columbia, the Virgin Islands, or Guam, or to the
21 office of Resident Commissioner in the case of Puerto Rico)
22 may expend in that State in connection with his primary
23 election campaign.

24 “(B) Notwithstanding the provisions of subparagraph
25 (A), no such candidate may make expenditures throughout

1 the United States in connection with his campaign for that
2 nomination in excess of an amount equal to 10 cents multi-
3 plied by the voting age population of the United States. For
4 purposes of this subparagraph, the term 'United States' means
5 the several States of the United States, the District of Colum-
6 bia, and the Commonwealth of Puerto Rico, Guam, and the
7 Virgin Islands and any area from which a delegate to the
8 national nominating convention of a political party is selected.

9 " (b) Except to the extent that such amounts are
10 changed under subsection (f) (2), no candidate who re-
11 ceives payments under this title for use in his general elec-
12 tion campaign may make expenditures in connection with
13 that campaign in excess of the greater of—

14 " (1) 12 cents multiplied by the voting age popula-
15 tion (as certified under subsection (g)) of the geo-
16 graphical area in which the election is held, or

17 " (2) (A) \$175,000, if the Federal office sought is
18 that of Senator, or Representative from a State which is
19 entitled to only one Representative, or

20 " (B) \$90,000, if the Federal office sought is that
21 of Representative from a State which is entitled to more
22 than one Representative.

23 " (c) No candidate who is unopposed in a general elec-
24 tion may make expenditures in connection with his general

1 election campaign in excess of 10 percent of the limitation
2 in subsection (b).

3 “(d) The Commission shall prescribe regulations under
4 which any expenditure by a candidate for nomination for
5 election to the office of President for use in two or more
6 States shall be attributed to such candidate’s expenditure
7 limitation in each such State under subsection (a) (2) (A)
8 of this section, based on the voting age population in such
9 State which can reasonably be expected to be influenced by
10 such expenditure.

11 “(e) (1) Expenditures made on behalf of any candidate
12 are, for the purposes of this section, considered to be made
13 by such candidate.

14 “(2) Expenditures made by or on behalf of any candi-
15 date for the office of Vice President of the United States
16 are, for the purposes of this section, considered to be made
17 by the candidate for the office of President of the United
18 States with whom he is running.

19 “(3) For purposes of this subsection, an expenditure
20 is made on behalf of a candidate, including a Vice Presiden-
21 tial candidate, if it is made by—

22 “(A) an authorized committee or any other agent
23 of the candidate for the purposes of making any expend-
24 iture;

1 “(B) any person authorized or requested by the
2 candidate, an authorized committee of the candidate, or
3 an agent of the candidate to make the expenditure; or

4 “(C) a national or State committee of a political
5 party in connection with a primary or general election
6 campaign of that candidate, if such expenditure is in
7 excess of the limitations of section 614 (b) of title 18,
8 United States Code.

9 “(4) For purposes of this section an expenditure made
10 by the national committee of a political party, or by the
11 State committee of a political party, in connection with
12 the general election campaign of a candidate affiliated with
13 that party which is not in excess of the limitations contained
14 in section 614 (b) of title 18, United States Code, is not
15 considered to be an expenditure made on behalf of that
16 candidate.

17 “(f) (1) For purposes of paragraph (2)—

18 “(A) ‘price index’ means the average over a
19 calendar year of the Consumer Price Index (all items—
20 United States city average) published monthly by the
21 Bureau of Labor Statistics, and

22 “(B) ‘base period’ means the calendar year 1973.

23 “(2) At the beginning of each calendar year (com-
24 mencing in 1975), as necessary data become available from
25 the Bureau of Labor Statistics of the Department of Labor,

1 the Secretary of Labor shall certify to the Commission and
2 publish in the Federal Register the percentage difference
3 between the price index for the twelve months preceding
4 the beginning of such calendar year and the price index
5 for the base period. Each amount determined under subsec-
6 tions (a) and (b) shall be changed by such percentage
7 difference. Each amount so changed shall be the amount in
8 effect for such calendar year.

9 “(g) During the first week of January, 1975, and every
10 subsequent year, the Secretary of Commerce shall certify to
11 the Commission and publish in the Federal Register an
12 estimate of the voting age population of the United States,
13 of each State, and of each congressional district as of the first
14 day of July next preceding the date of certification. The term
15 ‘voting age population’ means resident population, eighteen
16 years of age or older.

17 “(h) Upon receiving the certification of the Secretary
18 of Commerce and of the Secretary of Labor, the Commission
19 shall publish in the Federal Register the applicable expendi-
20 ture limitations in effect for the calendar year for the United
21 States, and for each State and congressional district under
22 this section.

23 “(i) In the case of a candidate who is campaigning
24 for election to the House of Representatives from a district
25 which has been established, or the boundaries of which have

1 been altered, since the preceding general election for such
2 office, the determination of the amount and the determination
3 of whether the candidate is a major party candidate or a
4 minor party candidate or is otherwise entitled to payments
5 under this title shall be made by the Commission based
6 upon the number of votes cast in the preceding general
7 election for such office by voters residing within the area
8 encompassed in the new or altered district.

9 "CERTIFICATIONS BY COMMISSION

10 "SEC. 505. (a) On the basis of the evidence, books,
11 records, and information furnished by each candidate eligible
12 to receive payments under section 506, and prior to exami-
13 nation and audit under section 507, the Commission shall
14 certify from time to time to the Secretary of the Treasury
15 for payment to each candidate the amount to which that can-
16 didate is entitled.

17 "(b) Initial certifications by the Commission under sub-
18 section (a), and all determinations made by it under this
19 title, shall be final and conclusive, except to the extent that
20 they are subject to examination and audit by the Commission
21 under section 507 and judicial review under section 313.

22 "PAYMENTS TO ELIGIBLE CANDIDATES

23 "SEC. 506. (a) There is established within the Treas-
24 ury a fund to be known as the Federal Election Campaign
25 Fund. There are authorized to be appropriated to the fund

1 amounts equal to the sum of the amounts designated by
2 taxpayers under section 6096 of the Internal Revenue Code
3 of 1954 not previously taken into account for purposes
4 of this subsection, and such additional amounts as may be
5 necessary to carry out the provisions of this title without
6 any reduction under subsection (c). The moneys in the
7 fund shall remain available without fiscal year limitation.
8 The Secretary of the Treasury may accept and credit to the
9 fund money received in the form of a donation, gift, legacy,
10 or bequest, or otherwise contributed to the fund.

11 “(b) Upon receipt of a certification from the Commis-
12 sion under section 505, the Secretary of the Treasury shall
13 pay the amount certified by the Commission to the candidate
14 to whom the certification relates.

15 “(c) (1) If the Secretary of the Treasury determines
16 that the monies in the fund are not, or may not be, suffi-
17 cient to pay the full amount of entitlement to all candidates
18 eligible to receive payments, he shall reduce the amount to
19 which each candidate is entitled under section 503 by a
20 percentage equal to the percentage obtained by dividing (A)
21 the amount of money remaining in the fund at the time of
22 such determination by (B) the total amount which all can-
23 didates eligible to receive payments are entitled to receive
24 under section 503. If additional candidates become eligible
25 under section 502 after the Secretary determines there are

1 insufficient monies in the fund, he shall make any further
2 reductions in the amounts payable to all eligible candidates
3 necessary to carryout the purposes of this subsection. The
4 Secretary shall notify the Commission and each eligible can-
5 didate by registered mail of the reduction in the amount to
6 which that candidate is entitled under section 503.

7 “(2) If, as a result of a reduction under this subsec-
8 tion in the amount to which an eligible candidate is en-
9 titled under section 503, payments have been made under
10 this section in excess of the amount to which such candi-
11 date is entitled, that candidate is liable for repayment to
12 the fund of the excess under procedures the Commission shall
13 prescribe by regulation.

14 “(d) No payment shall be made under this title to any
15 candidate for any campaign in connection with any election
16 occurring before January 1, 1976.

17 **“EXAMINATION AND AUDITS; REPAYMENTS**

18 **“SEC. 507. (a)** After each Federal election, the Com-
19 mission shall conduct a thorough examination and audit of
20 the campaign expenditures of all candidates for Federal
21 office who received payments under this title for use in cam-
22 paigns relating to that election.

23 “(b) (1) If the Commission determines that any
24 portion of the payments made to an eligible candidate under
25 section 506 was in excess of the aggregate amount of the

1 payments to which the candidate was entitled, it shall
2 so notify that candidate, and he shall pay to the Secretary
3 of the Treasury an amount equal to the excess amount. If
4 the Commission determines that any portion of the payments
5 made to a candidate under section 506 for use in his primary
6 election campaign or his general election campaign was not
7 used to make expenditures in connection with that campaign,
8 the Commission shall so notify the candidate and he shall pay
9 an amount equal to the amount of the unexpended portion
10 to the Secretary. In making its determination under the pre-
11 ceding sentence, the Commission shall consider all amounts
12 received as contributions to have been expended before any
13 amounts received under this title are expended.

14 “(2) If the Commission determines that any amount
15 of any payment made to a candidate under section 506 was
16 used for any purpose other than—

17 “(A) to defray campaign expenditures, or

18 “(B) to repay loans the proceeds of which were
19 used, or otherwise to restore funds (other than contribu-
20 tions to defray campaign expenditures which were re-
21 ceived and expended) which were used, to defray
22 campaign expenditures,

23 it shall notify the candidate of the amount so used, and the
24 candidate shall pay to the Secretary of the Treasury an
25 amount equal to such amount.

1 “(3) No payment shall be required from a candidate
2 under this subsection in excess of the total amount of all
3 payments received by the candidate under section 506 in
4 connection with the campaign with respect to which the event
5 occurred which caused the candidate to have to make a pay-
6 ment under this subsection.

7 “(c) No notification shall be made by the Commission
8 under subsection (b) with respect to a campaign more than
9 eighteen months after the day of the election to which the
10 campaign related.

11 “(d) All payments received by the Secretary under
12 subsection (b) shall be deposited by him in the fund.

13 “INFORMATION ON EXPENDITURES AND PROPOSED
14 EXPENDITURES

15 “SEC. 508. (a) Every candidate shall, from time to time
16 as the Commission requires, furnish to the Commission a
17 detailed statement, in the form the Commission prescribes,
18 of—

19 “(1) the campaign expenditures incurred by him
20 and his authorized committees prior to the date of the
21 statement (whether or not evidence of campaign ex-
22 penditures has been furnished for purposes of section
23 505), and

24 “(2) the campaign expenditures which he and his

1 authorized committees propose to incur on or after the
2 date of the statement.

3 “(b) The Commission shall, as soon as possible after it
4 receives a statement under subsection (a), prepare and make
5 available for public inspection and copying a summary of the
6 statement, together with any other data or information which
7 it deems advisable.

8 “REPORTS TO CONGRESS

9 “SEC. 509. (a) The Commission shall, as soon as
10 practicable after the close of each calendar year, submit a
11 full report to the Senate and House of Representatives
12 setting forth—

13 “(1) the expenditures incurred by each candidate,
14 and his authorized committees, who received any pay-
15 ment under section 506 in connection with an election;

16 “(2) the amounts certified by it under section 505
17 for payment to that candidate; and

18 “(3) the amount of payments, if any, required
19 from that candidate under section 507, and the reasons
20 for each payment required.

21 Each report submitted pursuant to this section shall be
22 printed as a Senate document.

23 “(b) The Commission is authorized to conduct exami-
24 nations and audits (in addition to the examinations and audits
25 under sections 505 and 507), to conduct investigations, and

1 to require the keeping and submission of any books, records,
2 or other information necessary to carry out the functions
3 and duties imposed on it by this title.

4 "PARTICIPATION BY COMMISSION IN JUDICIAL
5 PROCEEDINGS

6 "SEC. 510. The Commission may initiate civil proceed-
7 ings in any district court of the United States to seek re-
8 covery of any amounts determined to be payable to the Sec-
9 retary of the Treasury by a candidate under this title.

10 "PENALTY FOR VIOLATIONS

11 "SEC. 511. Violation of any provision of this title is
12 punishable by a fine of not more than \$50,000, or imprison-
13 ment for not more than five years, or both.

14 "RELATIONSHIP TO OTHER FEDERAL ELECTION LAWS

15 "SEC. 512. The Commission shall consult from time to
16 time with the Secretary of the Senate, the Clerk of the House
17 of Representatives, the Federal Communications Commis-
18 sion, and with other Federal officers charged with the ad-
19 ministration of laws relating to Federal elections, in order
20 to develop as much consistency and coordination with the
21 administration of those other laws as the provisions of this
22 title permit. The Commission shall use the same or compara-
23 ble data as that used in the administration of such other
24 election laws whenever possible."

1 TITLE II—CHANGES IN CAMPAIGN COMMUNICA-
2 TIONS LAW AND IN REPORTING AND DIS-
3 CLOSURE PROVISIONS OF FEDERAL ELEC-
4 TION CAMPAIGN ACT OF 1971

5 CAMPAIGN COMMUNICATIONS

6 SEC. 201. (a) Section 315 (a) of the Communications
7 Act of 1934 (47 U.S.C. 315 (a)) is amended—

8 (1) by inserting “(1)” immediately after “(a)”;

9 (2) by redesignating paragraphs (1), (2), (3),
10 and (4) as subparagraphs (A), (B), (C), and (D),
11 respectively; and

12 (3) by adding at the end thereof the following new
13 paragraphs:

14 “(2) The obligation imposed by the first sentence of
15 paragraph (1) upon a licensee with respect to a legally
16 qualified candidate for any elective office (other than the
17 offices of President and Vice President) shall be met by such
18 licensee with respect to such candidate if—

19 “(A) the licensee makes available to such candi-
20 date not less than five minutes of broadcast time without
21 charge;

22 “(B) the licensee notifies such candidate by cer-
23 tified mail at least fifteen days prior to the election of
24 the availability of such time; and

25 “(C) such broadcast will cover, in whole or in

1 part, the geographical area in which such election is
2 held.

3 “(3) No candidate shall be entitled to the use of
4 broadcast facilities pursuant to an offer by a licensee under
5 paragraph (2) unless such candidate notifies the licensee
6 in writing of his acceptance of the offer within forty-eight
7 hours after receipt of the offer.”.

8 (b) Section 315 (b) of such Act (47 U.S.C. 315 (b))
9 is amended by striking out “by any person” and inserting
10 “by or on behalf of any person”.

11 (c) (1) Section 315 (c) of such Act (47 U.S.C. 315
12 (c)) is amended to read as follows:

13 “(c) No station licensee may make any charge for the
14 use of any such station by or on behalf of any legally quali-
15 fied candidate for nomination for election, or for election,
16 to Federal elective office unless such candidate (or a person
17 specifically authorized by such candidate in writing to do
18 so) certifies to such licensee in writing that the payment of
19 such charge will not exceed the limit on expenditures
20 applicable to that candidate under section 504 of the Fed-
21 eral Election Campaign Act of 1971, or under section 614
22 of title 18, United States Code.”.

23 (2) Section 315 (d) of such Act (47 U.S.C. 315 (d))
24 is amended to read as follows:

25 “(d) If a State by law imposes a limitation upon the

1 amount which a legally qualified candidate for nomina-
2 tion for election, or for election, to public office (other than
3 Federal elective office) within that State may spend in
4 connection with his campaign for such nomination or his
5 campaign for election, then no station licensee may make
6 any charge for the use of such station by or on behalf of
7 such candidate unless such candidate (or a person spe-
8 cifically authorized in writing by him to do so) certifies to
9 such licensee in writing that the payment of such charge
10 will not violate that limitation.”.

11 (d) Section 317 of such Act (47 U.S.C. 317), is
12 amended by—

13 (1) striking out in paragraph (1) of subsection
14 (a) “person: *Provided, That*” and inserting in lieu
15 thereof the following: “person. If such matter is a
16 political advertisement soliciting funds for a candidate
17 or a political committee, there shall be announced at
18 the time of such broadcast a statement that a copy
19 of reports filed by that person with the Federal Election
20 Commission is available from the Federal Election Com-
21 mission, Washington, D.C., and the licensee shall
22 not make any charge for any part of the costs of mak-
23 ing the announcement. The term”; and

24 (2) redesignating subsection (e) as (f), and by

1 inserting after subsection (d) the following new
2 subsection:

3 “(e) Each station licensee shall maintain a record of
4 any political advertisement broadcast, together with the
5 identification of the person who caused it to be broadcast,
6 for a period of two years. The record shall be available for
7 public inspection at reasonable hours.”.

8 (e) The Campaign Communications Reform Act is
9 repealed.

10 CHANGES IN DEFINITIONS FOR REPORTING AND DISCLOSURE

11 SEC. 202. (a) Section 301 of the Federal Election
12 Campaign Act of 1971 (relating to definitions) is amended
13 by—

14 (1) striking out “, and (5) the election of dele-
15 gates to a constitutional convention for proposing amend-
16 ments to the Constitution of the United States” in para-
17 graph (a), and by inserting “and” before “(4)” in
18 such paragraph;

19 (2) striking out paragraph (d) and inserting in
20 lieu thereof the following:

21 “(d) ‘political committee’ means—

22 “(1) any committee, club, association, or other
23 group of persons which receives contributions or
24 makes expenditures during a calendar year in an
25 aggregate amount exceeding \$1,000;

1 “(2) any national committee, association, or
2 organization of a political party, any State affiliate
3 or subsidiary of a national political party, and
4 any State central committee of a political party;
5 and

6 “(3) any committee, association, or organiza-
7 tion engaged in the administration of a separate
8 segregated fund described in section 610 of title 18,
9 United States Code;”;

10 (3) inserting in paragraph (e) (1) after “subscrip-
11 tion” the following: “(including any assessment, fee,
12 or membership dues) ”;

13 (4) striking out in paragraph (e) (1) “or for the
14 purpose of influencing the election of delegates to a
15 constitutional convention for proposing amendments
16 to the Constitution of the United States” and insert-
17 ing in lieu thereof the following: “or for the purpose
18 of financing any operations of a political committee
19 (other than a payment made or an obligation incurred
20 by a corporation or labor organization which, under the
21 provisions of the last paragraph of section 610 of title
22 18, United States Code, does not constitute a contribu-
23 tion by that corporation or labor organization), or for
24 the purpose of paying, at any time, any debt or obliga-
25 tion incurred by a candidate or a political committee in

1 connection with any campaign for nomination for elec-
2 tion, or for election, to Federal office”;

3 (5) striking out subparagraph (2) of paragraph
4 (e), and amending subparagraph (3) of such para-
5 graph to read as follows:

6 “(2) funds received by a political committee which
7 are transferred to that committee from another political
8 committee;”;

9 (6) redesignating subparagraphs (4) and (5) of
10 paragraph (e) as paragraphs (3) and (4), respec-
11 tively;

12 (7) striking out paragraph (f) and inserting in
13 lieu thereof the following:

14 “(f) ‘expenditure’—

15 “(1) means a purchase, payment, distribution,
16 loan, advance, deposit, or gift of money or anything
17 of value, made for the purpose of—

18 “(A) influencing the nomination for elec-
19 tion, or the election, of any person to Federal
20 office, or to the office of presidential and vice-
21 presidential elector;

22 “(B) influencing the result of a primary
23 election held for the selection of delegates to a
24 national nominating convention of a political
25 party or for the expression of a preference for

1 the nomination of persons for election to the
2 office of President;

3 “(C) financing any operations of a political
4 committee; or

5 “(D) paying, at any time, any debt or
6 obligation incurred by a candidate or a political
7 committee in connection with any campaign for
8 nomination for election, or for election, to Fed-
9 eral office; and

10 “(2) means the transfer of funds by a political
11 committee to another political committee; but

12 “(3) does not include—

13 “(A) the value of services rendered by individuals
14 who volunteer to work without compensation on behalf
15 of a candidate; or

16 “(B) any payment made or obligation incurred by
17 a corporation or a labor organization which, under the
18 provisions of the last paragraph of section 610 of title 18,
19 United States Code, would not constitute an expenditure
20 by that corporation or labor organization;”;

21 (8) striking “and” at the end of paragraph (h) ;

22 (9) striking the period at the end of paragraph

23 (i) and inserting in lieu thereof a semicolon; and

24 (10) adding at the end thereof the following new
25 paragraphs:

1 “(j) ‘identification’ means—

2 “(1) in the case of an individual, his full name
3 and the full address of his principal place of
4 residence; and

5 “(2) in the case of any other person, the full
6 name and address of that person;

7 “(k) ‘national committee’ means the organization
8 which, by virtue of the bylaws of a political party, is
9 responsible for the day-to-day operation of that political
10 party at the national level, as determined by the Com-
11 mission; and

12 “(l) ‘political party’ means an association, commit-
13 tee, or organization which nominates a candidate for
14 election to any Federal office, whose name appears on
15 the election ballot as the candidate of that association,
16 committee, or organization.”.

17 (b) (1) Section 302 (b) of such Act (relating to reports
18 of contributions in excess of \$10) is amended by striking “,
19 the name and address (occupation and principal place of
20 business, if any)” and inserting “of the contribution and
21 the identification”.

22 (2) Section 302 (c) of such Act (relating to detailed
23 accounts) is amended by striking “full name and mailing
24 address (occupation and the principal place of business,

1 if any)” in paragraphs (2) and (4) and inserting in each
2 such paragraph “identification”.

3 (3) Section 302 (c) of such Act is further amended by
4 striking the semicolon at the end of paragraph (2) and in-
5 serting “and, if a person’s contributions aggregate more than
6 \$100, the account shall include occupation, and the principal
7 place of business (if any) ;”.

8 REGISTRATION OF CANDIDATES AND POLITICAL

9 COMMITTEES

10 SEC. 203. (a) Section 303 of the Federal Election Cam-
11 paign Act of 1971 (relating to registration of political com-
12 mittees; statements) is amended by redesignating subsec-
13 tions (a) through (d) as (b) through (e), respectively,
14 and by inserting after “SEC. 303.” the following new sub-
15 section (a) :

16 “(a) Each candidate shall, within ten days after the
17 date on which he has qualified under State law as a candi-
18 date, or on which he, or any person authorized by him
19 to do so, has received a contribution or made an expendi-
20 ture in connection with his campaign or for the purpose
21 of preparing to undertake his campaign, file with the
22 Commission a registration statement in such form as
23 the Commission may prescribe. The statement shall include—

24 “(1) the identification of the candidate, and any

1 individual, political committee, or other person he has
2 authorized to receive contributions or make expenditures
3 on his behalf in connection with his campaign;

4 “(2) the identification of his campaign depositories,
5 together with the title and number of each account at
6 each such depository which is to be used in connection
7 with his campaign, any safety deposit box to be used
8 in connection therewith, and the identification of each
9 individual authorized by him to make any expenditure or
10 withdrawal from such account or box; and

11 “(3) such additional relevant information as the
12 Commission may require.”.

13 (b) The first sentence of subsection (b) of such section
14 (as redesignated by subsection (a) of this section) is
15 amended to read as follows: “The treasurer of each politi-
16 cal committee shall file with the Commission a statement
17 of organization within ten days after the date on which
18 the committee is organized.”.

19 (c) The second sentence of such subsection (b) is
20 amended by striking out “this Act” and inserting in lieu
21 thereof the following: “the Federal Election Campaign Act
22 Amendments of 1974”.

23 (d) Subsection (c) of such section (as redesignated
24 by subsection (a) of this section) is amended by—

25 (1) inserting “be in such form as the Commission

1 shall prescribe, and shall" after "The statement of
2 organization shall";

3 (2) striking out paragraph (3) and inserting in
4 lieu thereof the following:

5 "(3) the geographic area or political jurisdiction
6 within which the committee will operate, and a general
7 description of the committee's authority and activi-
8 ties;"; and

9 (3) striking out paragraph (9) and inserting in
10 lieu thereof the following:

11 "(9) the name and address of the campaign deposi-
12 tories used by that committee, together with the title
13 and number of each account and safety deposit box
14 used by that committee at each depository, and the
15 identification of each individual authorized to make
16 withdrawals or payments out of such account or box;".

17 (e) The caption of such section 303 is amended by
18 inserting "CANDIDATES AND" after "REGISTRATION OF".

19 CHANGES IN REPORTING REQUIREMENTS

20 SEC. 204. (a) Section 304 of the Federal Election Cam-
21 paign Act of 1971 (relating to reports by political com-
22 mittees and candidates) is amended by—

23 (1) inserting "(1)" after "(a)" in subsection (a);

24 (2) striking out "for election" each place it ap-
25 pears in the first sentence of subsection (a) and in-

1 serting in lieu thereof in each such place “for nomina-
2 tion for election, or for election,”;

3 (3) striking out the second sentence of subsection
4 (a) and inserting in lieu thereof the following: “Such
5 reports shall be filed on the tenth day of April, July,
6 and October of each year, on the tenth day preceding
7 an election, on the tenth day of December in the year of
8 an election, and on the last day of January of each year.
9 Notwithstanding the preceding sentence, the reports
10 required by that sentence to be filed during April, July,
11 and October by or relating to a candidate during a year
12 in which no Federal election is held in which he is a
13 candidate, may be filed on the twentieth day of each
14 month.”;

15 (4) striking out everything after “filing” in the
16 third sentence of subsection (a) and inserting in lieu
17 thereof a period and the following: “If the person mak-
18 ing any anonymous contribution is subsequently identi-
19 fied, the identification of the contributor shall be re-
20 ported to the Commission within the reporting period
21 within which he is identified.”; and

22 (5) adding at the end of subsection (a) the follow-
23 ing new paragraph:

24 “(2) Upon a request made by a presidential candidate
25 or a political committee which operates in more than one

1 State, or upon its own motion, the Commission may waive
2 the reporting dates (other than January 31) set forth in
3 paragraph (1), and require instead that such candidates or
4 political committees file reports not less frequently than
5 monthly. The Commission may not require a presidential
6 candidate or a political committee operating in more than
7 one State to file more than eleven reports (not counting any
8 report to be filed on January 31) during any calendar year.
9 If the Commission acts on its own motion under this para-
10 graph with respect to a candidate or a political committee,
11 that candidate or committee may obtain judicial review in
12 accordance with the provisions of chapter 7 of title 5, United
13 States Code.”.

14 (b) (1) Section 304 (b) of such Act (relating to reports
15 by political committees and candidates) is amended by
16 striking “full name and mailing address (occupation and
17 the principal place of business, if any)” in paragraphs (9)
18 and (10) and inserting in lieu thereof in each such para-
19 graph “identification”.

20 (2) Subsection (b) (5) of such section 304 is amended
21 by striking out “lender and endorsers” and inserting in lieu
22 thereof “lender, endorsers, and guarantors”.

23 (c) Subsection (b) (12) of such section is amended by
24 inserting immediately before the semicolon a comma and the
25 following: “together with a statement as to the circumstances

1 and conditions under which any such debt or obligation is
2 extinguished and the consideration therefor”.

3 (d) Subsection (b) of such section is amended by—

4 (1) striking the “and” at the end of paragraph
5 (12); and

6 (2) redesignating paragraph (13) as (14), and
7 by inserting after paragraph (12) the following new
8 paragraph:

9 “(13) such information as the Commission may re-
10 quire for the disclosure of the nature, amount, source,
11 and designated recipient of any earmarked, encum-
12 bered, or restricted contribution or other special fund;
13 and”.

14 (e) The first sentence of subsection (c) of such section
15 is amended to read as follows: “The reports required to be
16 filed by subsection (a) shall be cumulative during the calen-
17 dar year to which they relate, and during such additional
18 periods of time as the Commission may require.”.

19 (f) Such section 304 is amended by adding at the end
20 thereof the following new subsections:

21 “(d) This section does not require a Member of Con-
22 gress to report, as contributions received or as expendi-
23 tures made, the value of photographic, matting, or record-
24 ing services furnished to him before the first day of January
25 of the year preceding the year in which his term of office

1 expires if those services were furnished to him by the
2 Senate Recording Studio, the House Recording Studio,
3 or by any individual whose pay is disbursed by the Secre-
4 tary of the Senate or the Clerk of the House of Repre-
5 sentatives and who furnishes such services as his primary
6 duty as an employee of the Senate or House of Repre-
7 sentatives, or if such services were paid for by the Republi-
8 can or Democratic Senatorial Campaign Committee, the
9 Democratic National Congressional Committee, or the
10 National Republican Congressional Committee.

11 “(e) Every person (other than a political committee or
12 candidate) who makes contributions or expenditures, other
13 than by contribution to a political committee or candidate,
14 in an aggregate amount in excess of \$100 within a calen-
15 dar year shall file with the Commission a statement con-
16 taining the information required by this section. State-
17 ments required by this subsection shall be filed on the
18 dates on which reports by political committees are filed but
19 need not be cumulative.”.

20 (g) The caption of such section 304 is amended to read
21 as follows:

22 “REPORTS”.

23 CAMPAIGN ADVERTISEMENTS

24 SEC. 205. Section 305 of the Federal Election Cam-

1 paign Act of 1971 (relating to reports by others than po-
2 litical committees) is amended to read as follows:

3 “REQUIREMENTS RELATING TO CAMPAIGN

4 ADVERTISING

5 “SEC. 305. (a) No person shall cause any political ad-
6 vertisement to be published unless he furnishes to the
7 publisher of the advertisement his identification in writing,
8 together with the identification of any person authorizing
9 him to cause such publication.

10 “(b) Each published political advertisement shall con-
11 tain a statement, in such form as the Commission may
12 prescribe, of the identification of the person authorizing
13 the publication of that advertisement.

14 “(c) A publisher who publishes any political adver-
15 tisement shall maintain such records as the Commission
16 may prescribe for a period of two years after the date of
17 publication setting forth such advertisement and any
18 material relating to identification furnished to him in
19 connection therewith, and shall permit the public to inspect
20 and copy those records at reasonable hours.

21 “(d) No person who sells space in a newspaper or mag-
22 azine to a candidate, or to the agent of a candidate, for use
23 in connection with that candidate's campaign, may charge

1 any amount for such space which exceeds the amount
2 charged for comparable use of such space for other purposes.

3 “(e) Each political committee shall include on the face
4 or front page of all literature and advertisements soliciting
5 contributions the following notice:

6 “‘A copy of our report is filed with the Federal
7 Election Commission and is available for purchase from
8 the Federal Election Commission, Washington, D.C.’

9 “(f) As used in this section, the term—

10 “(1) ‘political advertisement’ means any matter
11 advocating the election or defeat of any candidate but
12 does not include any bona fide news story (including
13 interviews, commentaries, or other works prepared for
14 and published by any newspaper, magazine, or other
15 periodical publication the publication of which work is
16 not paid for by any candidate, political committee, or
17 agent thereof) ; and

18 “(2) ‘published’ means publication in a newspaper,
19 magazine, or other periodical publication, distribution
20 of printed leaflets, pamphlets, or other documents, or
21 display through the use of any outdoor advertising facil-
22 ity, and such other use of printed media as the Commis-
23 sion shall prescribe.”.

1 WAIVER OF REPORTING REQUIREMENTS

2 SEC. 206. Section 306 (c) of the Federal Election Cam-
3 paign Act of 1971 (relating to formal requirements respect-
4 ing reports and statements) is amended to read as follows:

5 “(c) The Commission may, by a rule of general appli-
6 cability which is published in the Federal Register not less
7 than thirty days before its effective date, relieve—

8 “(1) any category of candidates of the obligation
9 to comply personally with the requirements of subsec-
10 tions (a) through (e) of section 304, if it determines
11 that such action is consistent with the purposes of this
12 Act, and

13 “(2) any category of political committees of the
14 obligation to comply with such section if such com-
15 mittees—

16 “(A) primarily support persons seeking State
17 or local office, and

18 “(B) do not operate in more than one State
19 or do not operate on a statewide basis.”.

20 ESTABLISHMENT OF FEDERAL ELECTION COMMISSION;
21 CENTRAL CAMPAIGN COMMITTEES; CAMPAIGN DE-
22 POSITORIES

23 SEC. 207. (a) Title III of the Federal Election Cam-
24 paign Act of 1971 (relating to disclosure of Federal cam-
25 paign funds) is amended by redesignating section 308 as

1 section 312, and by inserting after section 307 the follow-
2 ing new sections:

3 "FEDERAL ELECTION COMMISSION

4 "SEC. 308. (a) (1) There is established, as an inde-
5 pendent establishment of the executive branch of the Gov-
6 ernment of the United States, a commission to be known
7 as the Federal Election Commission.

8 "(2) The Commission shall be composed of the Comp-
9 troller General, who shall serve without the right to vote,
10 and seven members who shall be appointed by the Presi-
11 dent by and with the advice and consent of the Senate. Of
12 the seven members—

13 "(A) two shall be chosen from among individuals
14 recommended by the President pro tempore of the
15 Senate, upon the recommendations of the majority
16 leader of the Senate and the minority leader of the
17 Senate; and

18 "(B) two shall be chosen from among individuals
19 recommended by the Speaker of the House of Repre-
20 sentatives, upon the recommendations of the majority
21 leader of the House and the minority leader of the
22 House.

23 The two members appointed under subparagraph (A) shall
24 not be affiliated with the same political party; nor shall the
25 two members appointed under subparagraph (B). Of the

1 members not appointed under such subparagraphs, not more
2 than two shall be affiliated with the same political party.

3 “(3) Members of the Commission, other than the
4 Comptroller General, shall serve for terms of seven years,
5 except that, of the members first appointed—

6 “(A) one of the members not appointed under sub-
7 paragraph (A) or (B) of paragraph (2) shall be
8 appointed for a term ending on the April thirtieth first
9 occurring more than six months after the date on
10 which he is appointed;

11 “(B) one of the members appointed under para-
12 graph (2) (A) shall be appointed for a term ending one
13 year after the April thirtieth on which the term of the
14 member referred to in subparagraph (A) of this para-
15 graph ends;

16 “(C) one of the members appointed under para-
17 graph (2) (B) shall be appointed for a term ending
18 two years thereafter;

19 “(D) one of the members not appointed under
20 subparagraph (A) or (B) of paragraph (2) shall be
21 appointed for a term ending three years thereafter;

22 “(E) one of the members appointed under para-
23 graph (2) (A) shall be appointed for a term ending
24 four years thereafter;

25 “(F) one of the members appointed under para-

1 graph (2) (B) shall be appointed for a term ending
2 five years thereafter; and

3 “(G) one of the members not appointed under sub-
4 paragraph (A) or (B) of paragraph (2) shall be
5 appointed for a term ending six years thereafter.

6 “(4) Members shall be chosen on the basis of their
7 maturity, experience, integrity, impartiality, and good judg-
8 ment. A member may be reappointed to the Commission
9 only once.

10 “(5) An individual appointed to fill a vacancy occur-
11 ring other than by the expiration of a term of office shall
12 be appointed only for the unexpired term of the member he
13 succeeds. Any vacancy occurring in the office of member
14 of the Commission shall be filled in the manner in which
15 that office was originally filled.

16 “(6) The Commission shall elect a Chairman and a
17 Vice Chairman from among its members for a term of two
18 years. The Chairman and the Vice Chairman shall not be
19 affiliated with the same political party. The Vice Chairman
20 shall act as Chairman in the absence or disability of the
21 Chairman, or in the event of a vacancy in that office.

22 “(b) A vacancy in the Commission shall not impair the
23 right of the remaining members to exercise all the powers of
24 the Commission. Four members of the Commission shall
25 constitute a quorum.

1 “(c) The Commission shall have an official seal which
2 shall be judicially noticed.

3 “(d) The Commission shall at the close of each fiscal
4 year report to the Congress and to the President concerning
5 the action it has taken; the names, salaries, and duties of all
6 individuals in its employ and the money it has disbursed; and
7 shall make such further reports on the matters within its
8 jurisdiction and such recommendations for further legislation
9 as may appear desirable.

10 “(e) The principal office of the Commission shall be in
11 or near the District of Columbia, but it may meet or exercise
12 any or all its powers in any State.

13 “(f) The Commission shall appoint a General Counsel
14 and an Executive Director to serve at the pleasure of the
15 Commission. The General Counsel shall be the chief legal
16 officer of the Commission. The Executive Director shall be
17 responsible for the administrative operations of the Commis-
18 sion and shall perform such other duties as may be delegated
19 or assigned to him from time to time by rules or orders
20 of the Commission. However, the Commission shall not dele-
21 gate the making of rules regarding elections to the Execu-
22 tive Director.

23 “(g) The Chairman of the Commission shall appoint
24 and fix the compensation of such personnel as are necessary

1 to fulfill the duties of the Commission in accordance with the
2 provisions of title 5, United States Code.

3 “(h) The Commission may obtain the services of ex-
4 perts and consultants in accordance with section 3109 of title
5 5, United States Code.

6 “(i) In carrying out its responsibilities under this title,
7 the Commission shall, to the fullest extent practicable, avail
8 itself of the assistance, including personnel and facilities,
9 of the General Accounting Office and the Department of
10 Justice. The Comptroller General and the Attorney Gen-
11 eral may make available to the Commission such personnel,
12 facilities, and other assistance, with or without reimburse-
13 ment, as the Commission may request.

14 “(j) The provisions of section 7324 of title 5, United
15 States Code, shall apply to members of the Commission
16 notwithstanding the provisions of subsection (d) (3) of
17 such section.

18 “(k) (1) Whenever the Commission submits any budget
19 estimate or request to the President or the Office of Man-
20 agement and Budget, it shall concurrently transmit a copy
21 of that estimate or request to the Congress.

22 “(2) Whenever the Commission submits any legislative
23 recommendations, or testimony, or comments on legisla-
24 tion requested by the Congress or by any Member of
25 Congress to the President or the Office of Management and

1 Budget, it shall concurrently transmit a copy thereof to
2 the Congress or to the Member requesting the same. No
3 officer or agency of the United States shall have any
4 authority to require the Commission to submit its legisla-
5 tive recommendations, testimony, or comments on legisla-
6 tion, to any office or agency of the United States for
7 approval, comments, or review, prior to the submission of
8 such recommendations, testimony, or comments to the
9 Congress.

10 "POWERS OF COMMISSION

11 "SEC. 309. (a) The Commission has the power—

12 "(1) to require, by special or general orders, any
13 person to submit in writing such reports and answers to
14 questions as the Commission may prescribe; and such
15 submission shall be made within such a reasonable period
16 of time and under oath or otherwise as the Commission
17 may determine;

18 "(2) to administer oaths;

19 "(3) to require by subpoena, signed by the Chair-
20 man or the Vice Chairman, the attendance and testi-
21 mony of witnesses and the production of all documentary
22 evidence relating to the execution of its duties;

23 "(4) in any proceeding or investigation to order
24 testimony to be taken by deposition before any person
25 who is designated by the Commission and has the power

1 to administer oaths and, in such instances, to compel
2 testimony and the production of evidence in the same
3 manner as authorized under paragraph (3) of this sub-
4 section;

5 “(5) to pay witnesses the same fees and mileage
6 as are paid in like circumstances in the courts of the
7 United States;

8 “(6) to initiate (through civil proceedings for in-
9 junctive relief and through presentations to Federal
10 grand juries), prosecute, defend, or appeal any civil or
11 criminal action in the name of the Commission for the
12 purpose of enforcing the provisions of this Act and of
13 sections 602, 608, 610, 611, 612, 613, 614, 615, 616,
14 617, and 618 of title 18, United States Code, through its
15 General Counsel;

16 “(7) to delegate any of its functions or powers,
17 other than the power to issue subpoenas under paragraph
18 (3), to any officer or employee of the Commission; and

19 “(8) to make, amend, and repeal such rules, pur-
20 suant to the provisions of chapter 5 of title 5, United
21 States Code, as are necessary to carry out the provisions
22 of this Act.

23 “(b) Any United States district court within the juris-
24 diction of which any inquiry is carried on, may, upon petition
25 by the Commission, in case of refusal to obey a subpoena or

1 order of the Commission issued under subsection (a) of this
2 section, issue an order requiring compliance therewith.
3 Any failure to obey the order of the court may be punished
4 by the court as a contempt thereof.

5 “(c) No person shall be subject to civil liability to any
6 person (other than the Commission or the United States)
7 for disclosing information at the request of the Commission.

8 “(d) Notwithstanding any other provision of law, the
9 Commission shall be the primary civil and criminal enforce-
10 ment agency for violations of the provisions of this Act, and
11 of sections 602, 608, 610, 611, 612, 613, 614, 615, 616,
12 617, and 618 of title 18, United States Code. Any violation
13 of any such provision shall be prosecuted by the Attorney
14 General or Department of Justice personnel only after con-
15 sultation with, and with the consent of, the Commission.

16 “(e) (1) Any person who violates any provision of this
17 Act or of section 602, 608, 610, 611, 612, 613, 614, 615,
18 616, 617, or 618 of title 18, United States Code, may be as-
19 sessed a civil penalty by the Commission under paragraph
20 (2) of this subsection of not more than \$10,000 for each
21 such violation. Each occurrence of a violation of this Act
22 and each day of noncompliance with a disclosure require-
23 ment of this title or an order of the Commission issued
24 under this section shall constitute a separate offense. In
25 determining the amount of the penalty the Commission

1 shall consider the person's history of previous violations,
2 the appropriateness of such penalty to the financial resources
3 of the person charged, the gravity of the violation, and the
4 demonstrated good faith of the person charged in attempting
5 to achieve rapid compliance after notification of a violation.

6 “(2) A civil penalty shall be assessed by the Commis-
7 sion by order only after the person charged with a violation
8 has been given an opportunity for a hearing and the Com-
9 mission has determined, by decision incorporating its findings
10 of fact therein, that a violation did occur, and the amount of
11 the penalty. Any hearing under this section shall be of record
12 and shall be held in accordance with chapter 5 of title 5,
13 United States Code.

14 “(3) If the person against whom a civil penalty is
15 assessed fails to pay the penalty, the Commission shall
16 file a petition for enforcement of its order assessing the
17 penalty in any appropriate district court of the United States.
18 The petition shall designate the person against whom the
19 order is sought to be enforced as the respondent. A copy
20 of the petition shall be sent by registered or certified
21 mail to the respondent and his attorney of record, and
22 thereupon the Commission shall certify and file in such court
23 the record upon which such order sought to be enforced was
24 issued. The court shall have jurisdiction to enter a judgment
25 enforcing, modifying, and enforcing as so modified, or set-

1 ting aside in whole or in part the order and decision of the
2 Commission or it may remand the proceedings to the Com-
3 mission for such further action as it may direct. The court
4 may determine de novo all issues of law but the Commis-
5 sion's findings of fact, if supported by substantial evidence,
6 shall be conclusive.

7 “(f) Upon application made by any individual holding
8 Federal office, any candidate, or any political committee, the
9 Commission, through its General Counsel, shall provide with-
10 in a reasonable period of time an advisory opinion, as to
11 whether a specific transaction or activity may constitute
12 a violation of any provision of this Act or of any provision
13 of title 18, United States Code, over which the Commission
14 has primary jurisdiction under subsection (d).

15 “CENTRAL CAMPAIGN COMMITTEES

16 “SEC. 310. (a) Each candidate shall designate one
17 political committee as his central campaign committee. A
18 candidate for nomination for election, or for election, to
19 the office of President, may also designate one political
20 committee in each State in which he is a candidate as his
21 State campaign committee for that State. The designation
22 shall be made in writing, and a copy of the designation,
23 together with such information as the Commission may
24 require, shall be furnished to the Commission upon the
25 designation of any such committee.

1 “(b) No political committee may be designated as the
2 central campaign committee of more than one candidate,
3 except that a political committee described in section 301
4 (d) (2) may be designated as the central campaign com-
5 mittee of more than one candidate for purposes of the gen-
6 eral election campaign and if so designated, it shall comply
7 with all reporting and other requirements of law as to each
8 candidate for whom it is so designated as if it were the cen-
9 tral campaign committee for that candidate alone. The cen-
10 tral campaign committee, and each State campaign com-
11 mittee, designated by a candidate nominated by a political
12 party for election to the office of President shall be the
13 central campaign committee and the State campaign com-
14 mittee of the candidate nominated by that party for elec-
15 tion to the office of Vice President.

16 “(c) (1) Any political committee authorized by a
17 candidate to accept contributions or make expenditures in
18 connection with his campaign for nomination for election,
19 or for election, which is not a central campaign committee
20 or a State campaign committee, shall furnish each report
21 required of it under section 304 (other than reports required
22 under section 311 (b)) to that candidate’s central campaign
23 committee at the time it would, but for this subsection,
24 be required to furnish that report to the Commission. Any
25 report properly furnished to a central campaign committee

1 under this subsection shall be, for purposes of this title,
2 considered to have been furnished to the Commission at the
3 time at which it was furnished to such central campaign
4 committee.

5 “(2) The Commission may, by rule, require any
6 political committee receiving contributions or making ex-
7 penditures in a State on behalf of a candidate who, under
8 subsection (a), has designated a State campaign committee
9 for that State to furnish its reports to that State campaign
10 committee instead of furnishing such reports to the central
11 campaign committee of that candidate.

12 “(3) The Commission may require any political com-
13 mittee to furnish any report directly to the Commission.

14 “(d) Each political committee which is a central cam-
15 paign committee or a State campaign committee shall re-
16 ceive, consolidate, and furnish all reports filed with or fur-
17 nished to it by other political committees to the Commission,
18 together with its own reports and statements, in accordance
19 with the provisions of this title and regulations prescribed by
20 the Commission.

21 “CAMPAIGN DEPOSITORIES

22 “SEC. 311. (a) (1) Each candidate shall designate one
23 or more National or State banks as his campaign depositories.
24 The central campaign committee of that candidate, and any
25 other political committee authorized by him to receive con-

1 tributions or to make expenditures on his behalf, shall main-
2 tain a checking account at a depository designated by the
3 candidate and shall deposit any contributions received by
4 that committee into that account. A candidate shall deposit
5 any payment received by him under section 506 of this Act
6 in the account maintained by his central campaign commit-
7 tee. No expenditure may be made by any such committee on
8 behalf of a candidate or to influence his election except by
9 check drawn on that account, other than petty cash expend-
10 itures as provided in subsection (b) .

11 “(2) The treasurer of each political committee (other
12 than a political committee authorized by a candidate to
13 receive contributions or to make expenditures on his behalf)
14 shall designate one or more National or State banks as cam-
15 paign depositories of that committee, and shall maintain a
16 checking account for the committee at each such depository.
17 All contributions received by that committee shall be de-
18 posited in such an account. No expenditure may be made by
19 that committee except by check drawn on that account, other
20 than petty cash expenditures as provided in subsection (b) .

21 “(b) A political committee may maintain a petty cash
22 fund out of which it may make expenditures not in excess
23 of \$100 to any person in connection with a single purchase
24 or transaction. A record of petty cash disbursements shall
25 be kept in accordance with requirements established by

1 the Commission, and such statements and reports thereof
2 shall be furnished to the Commission as it may require.

3 “(c) A candidate for nomination for election, or for
4 election, to the office of President may establish one such
5 depository in each State, which shall be considered by
6 his State campaign committee for that State and any other
7 political committee authorized by him to receive contribu-
8 tions or to make expenditures on his behalf in that State,
9 under regulations prescribed by the Commission, as his
10 campaign depository. The campaign depository of the can-
11 didate of a political party for election to the office of Vice
12 President shall be the campaign depository designated by the
13 candidate of that party for election to the office of Presi-
14 dent.”.

15 (b) (1) Section 5314 of title 5, United States Code, is
16 amended by adding at the end thereof the following new
17 paragraph:

18 “(60) Members (other than the Comptroller Gen-
19 eral), Federal Election Commission (7).”

20 (2) Section 5315 of such title is amended by adding at
21 the end thereof the following new paragraphs:

22 “(98) General Counsel, Federal Election Com-
23 mission.

24 “(99) Executive Director, Federal Election Com-
25 mission.”

1 (c) Until the appointment and qualification of all the
2 members of the Federal Election Commission and its Gen-
3 eral Counsel and until the transfer provided for in this sub-
4 section, the Comptroller General, the Secretary of the
5 Senate, and the Clerk of the House of Representatives shall
6 continue to carry out their responsibilities under title I and
7 title III of the Federal Election Campaign Act of 1971 as
8 such titles existed on the day before the date of enactment of
9 this Act. Upon the appointment of all the members of the
10 Commission and its General Counsel, the Comptroller Gen-
11 eral, the Secretary of the Senate, and the Clerk of the House
12 of Representatives shall meet with the Commission and ar-
13 range for the transfer, within thirty days after the date on
14 which all such members and the General Counsel are ap-
15 pointed, of all records, documents, memorandums, and other
16 papers associated with carrying out their responsibilities
17 under title I and title III of the Federal Election Campaign
18 Act of 1971.

19 (d) Title III of the Federal Election Campaign Act of
20 1971 is amended by—

21 (1) amending section 301 (g) (relating to defini-
22 tions) to read as follows:

23 “(g) ‘Commission’ means the Federal Election Commis-
24 sion;”;

25 (2) striking out “supervisory officer” in section

1 302 (d) and inserting in lieu thereof “Commission”;

2 (3) striking out section 302 (f) (relating to or-
3 ganization of political committees) ;

4 (4) amending section 303 (relating to registration
5 of political committees; statements) by—

6 (A) striking out “supervisory officer” each
7 time it appears therein and inserting in lieu thereof
8 “Commission”; and

9 (B) striking out “he” in the second sentence
10 of subsection (b) of such section (as redesign-
11 nated by section 203 (a) of this Act) and inserting
12 in lieu thereof “it”;

13 (5) amending section 304 (relating to reports by
14 political committees and candidates) by—

15 (A) striking out “appropriate supervisory offi-
16 cer” and “him” in the first sentence thereof and in-
17 serting in lieu thereof “Commission” and “it”, re-
18 spectively; and

19 (B) striking out “supervisory officer” where it
20 appears in the third sentence of subsection (a) (1)
21 (as redesignated by section 204 (a) (1) of this
22 Act) and in paragraphs (12) and (14) (as re-
23 designated by section 204 (d) (2) of this Act) of
24 subsection (b) and inserting in lieu thereof “Com-
25 mission”;

1 (6) striking out “supervisory officer” each place it
2 appears in section 306 (relating to formal requirements
3 respecting reports and statements) and inserting in
4 lieu thereof “Commission”;

5 (7) striking out “Comptroller General of the United
6 States” and “he” in section 307 (relating to reports on
7 convention financing) and inserting in lieu thereof “Fed-
8 eral Election Commission” and “it”, respectively;

9 (8) striking out “SUPERVISORY OFFICER” in the
10 caption of section 312 (as redesignated by subsection
11 (a) of this section) (relating to duties of the supervisory
12 officer) and inserting in lieu thereof “COMMISSION”;

13 (9) striking out “supervisory officer” in section
14 312 (a) (as redesignated by subsection (a) of this
15 section) the first time it appears and inserting in lieu
16 thereof “Commission”;

17 (10) amending section 312 (a) (as redesignated by
18 subsection (a) of this section) by—

19 (A) striking out “him” in paragraph (1) and
20 inserting in lieu thereof “it”;

21 (B) striking out “him” in paragraph (4) and
22 inserting in lieu thereof “it”; and

23 (C) striking out “he” each place it appears in
24 paragraphs (7) and (9) and inserting in lieu
25 thereof “it”;

1 (11) striking out “supervisory officer” in section
2 312 (b) (as redesignated by subsection (a) of this sub-
3 section) and inserting in lieu thereof “Commission”;

4 (12) amending subsection (c) of section 312 (as
5 redesignated by subsection (a) of this section) by—

6 (A) striking out “Comptroller General” each
7 place it appears therein and inserting in lieu thereof
8 “Commission” and striking out “his” in the second
9 sentence of such subsection and inserting in lieu
10 thereof “its”; and

11 (B) striking out the last sentence thereof; and

12 (13) amending subsection (d) (1) of section 312
13 (as redesignated by subsection (a) of this section) by—

14 (A) striking out “supervisory officer” each
15 place it appears therein and inserting in lieu thereof
16 “Commission”;

17 (B) striking out “he” the first place it appears
18 in the second sentence of such section and inserting
19 in lieu thereof “it”; and

20 (C) striking out “the Attorney General on
21 behalf of the United States” and inserting in lieu
22 thereof “the Commission”.

23 INDEXING AND PUBLICATION OF REPORTS

24 SEC. 208. Section 312 (a) (6) (as redesignated by this
25 Act) of the Federal Election Campaign Act of 1971 (re-

1 lating to duties of the supervisory officer) is amended to
2 read as follows:

3 “(6) to compile and maintain a cumulative index
4 listing all statements and reports filed with the Com-
5 mission during each calendar year by political com-
6 mittees and candidates which the Commission shall
7 cause to be published in the Federal Register no less
8 frequently than monthly during even-numbered years
9 and quarterly in odd-numbered years and which shall
10 be in such form and shall include such information as
11 may be prescribed by the Commission to permit easy
12 identification of each statement, report, candidate, and
13 committee listed, at least as to their names, the dates
14 of the statements and reports, and the number of pages
15 in each, and the Commission shall make copies of
16 statements and reports listed in the index available for
17 sale, direct or by mail, at a price determined by the
18 Commission to be reasonable to the purchaser;”.

19 JUDICIAL REVIEW

20 SEC. 209. Title III of the Federal Election Campaign
21 Act of 1971 is amended by inserting after section 312 (as
22 redesignated by this Act) the following new section:

23 “JUDICIAL REVIEW

24 “SEC. 313. (a) An agency action by the Commission
25 made under the provisions of this Act shall be subject to

1 review by the United States Court of Appeals for the
 2 District of Columbia Circuit upon petition filed in such
 3 court by an interested person. A petition filed pursuant
 4 to this section shall be filed within thirty days after the
 5 agency action by the Commission for which review is sought.

6 “(b) The Commission, the national committee of any
 7 political party, and individuals eligible to vote in an election
 8 for Federal office, are authorized to institute such actions,
 9 including actions for declaratory judgment or injunctive
 10 relief, as may be appropriate to implement any provision of
 11 this Act.

12 “(c) The provisions of chapter 7 of title 5, United States
 13 Code, apply to judicial review of any agency action, as de-
 14 fined in section 551 of title 5, United States Code, by the
 15 Commission.

16 FINANCIAL ASSISTANCE TO STATES

17 TO PROMOTE COMPLIANCE

18 SEC. 210. Section 309 of the Federal Election Cam-
 19 paign Act of 1971 (relating to statements filed with State
 20 officers) is redesignated as section 314 of such Act and
 21 amended by—

22 (1) striking out “a supervisory officer” in sub-
 23 section (a) and inserting in lieu thereof “the Com-
 24 mission”;

25 (2) striking out “in which an expenditure is

1 made by him or on his behalf" in subsection (a) (1)
 2 and inserting in lieu thereof the following: "in which
 3 he is a candidate or in which substantial expenditures
 4 are made by him or on his behalf"; and

5 (3) adding the following new subsection:

6 “(c) There is authorized to be appropriated to the
 7 Commission in each fiscal year the sum of \$500,000, to
 8 be made available in such amounts as the Commission deems
 9 appropriate to the States for the purpose of assisting them
 10 in complying with their duties as set forth in this section.”.

11 CONTRIBUTIONS IN THE NAME OF ANOTHER PERSON

12 SEC. 211. Section 310 of the Federal Election Campaign
 13 Act of 1971 (relating to prohibition of contributions in name
 14 of another) is redesignated as section 315 of such Act and
 15 amended by inserting after “another person”, the first time
 16 it appears, the following: “or knowingly permit his name to
 17 be used to effect such a contribution”.

18 ROLE OF POLITICAL PARTY ORGANIZATION IN PRESIDEN- 19 TIAL CAMPAIGNS; USE OF EXCESS CAMPAIGN FUNDS; 20 USE OF FRANKED MAIL; AUTHORIZATION OF APPRO- 21 PRIATIONS; PENALTIES

22 SEC. 212. Title III of the Federal Election Campaign
 23 Act of 1971 is amended by striking out section 311 and by
 24 adding at the end of such title the following new sections:

1 "APPROVAL OF PRESIDENTIAL CAMPAIGN EXPENDITURES
2 BY NATIONAL COMMITTEE

3 "SEC. 316. (a) No expenditure in excess of \$1,000 shall
4 be made by or on behalf of a candidate who has received
5 the nomination of his political party for President or Vice
6 President unless such expenditure has been specifically ap-
7 proved by the chairman or treasurer of that political party's
8 national committee or the designated representative of that
9 national committee in the State where the funds are to be
10 expended.

11 "(b) Each national committee approving expenditures
12 under subsection (a) shall register under section 303 as a
13 political committee and report each expenditure it approves
14 as if it had made that expenditure, together with the identi-
15 fication of the person seeking approval and making the
16 expenditure.

17 "(c) No political party shall have more than one na-
18 tional committee.

19 "USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES

20 "SEC. 317. Amounts received by a candidate as con-
21 tributions that are in excess of any amount necessary to
22 defray his expenditures (after the application of sec-
23 tion 507 (b) (1) of this Act), and any other amounts
24 contributed to an individual for the purpose of supporting
25 his activities as a holder of Federal office, may be used by

1 that candidate or individual, as the case may be, to defray
2 any ordinary and necessary expenses incurred by him in
3 connection with his duties as a holder of Federal office, or
4 may be contributed by him to any organization described
5 in section 170 (c) of the Internal Revenue Code of 1954.
6 To the extent any such contribution, amount contributed, or
7 expenditure thereof is not otherwise required to be disclosed
8 under the provisions of this title, such contribution, amount
9 contributed, or expenditure shall be fully disclosed in accord-
10 ance with rules promulgated by the Commission. The Com-
11 mission is authorized to promulgate such rules as may be
12 necessary to carry out the provisions of this section.

13 "SUSPENSION OF FRANK FOR MASS MAILINGS

14 IMMEDIATELY BEFORE ELECTIONS

15 "SEC. 318. Notwithstanding any other provision of
16 law, no Senator, Representative, Resident Commissioner,
17 or Delegate shall make any mass mailing of a newsletter
18 or mailing with a simplified form of address under the frank
19 under section 3210 of title 39, United States Code, during
20 the sixty days immediately preceding the date on which
21 any election is held in which he is a candidate.

22 "PROHIBITION OF FRANKED SOLICITATIONS

23 "SEC. 319. No Senator, Representative, Resident Com-
24 missioner, or Delegate shall make any solicitation of funds

1 by a mailing under the frank under section 3210 of title 39,
2 United States Code.

3 "AUTHORIZATION OF APPROPRIATIONS

4 "SEC. 320. There are authorized to be appropriated to
5 the Commission for the purpose of carrying out its functions
6 under this title, title V, and under chapter 29 of title 18,
7 United States Code, not to exceed \$5,000,000 for the fiscal
8 year ending June 30, 1974, and not to exceed \$5,000,000
9 for each fiscal year thereafter.

10 "PENALTY FOR VIOLATIONS

11 "SEC. 321. (a) Violation of any provision of this title
12 is a misdemeanor punishable by a fine of not more than
13 \$10,000, imprisonment for not more than one year, or both.

14 "(b) Violation of any provision of this title with
15 knowledge or reason to know that the action committed or
16 omitted is a violation of this title is punishable by a fine of
17 not more than \$100,000, imprisonment for not more than
18 five years, or both."

19 APPLICABLE STATE LAWS

20 SEC. 213. Section 403 of the Federal Election Cam-
21 paign Act of 1971 is amended to read as follows:

22 "EFFECT ON STATE LAW

23 "SEC. 403. The provisions of this Act, and of rules
24 promulgated under this Act, preempt any provision of State
25 law with respect to campaigns for nomination for election, or

1 for election, to Federal office (as such term is defined in sec-
2 tion 301 (c)).”.

3 EXPEDITIOUS REVIEW OF CONSTITUTIONAL QUESTIONS

4 SEC. 214. Title IV of the Federal Election Campaign
5 Act of 1971 is amended by adding at the end thereof the
6 following new section:

7 “JUDICIAL REVIEW

8 “SEC. 407. (a) The Federal Election Commission, the
9 national committee of any political party, and individuals
10 eligible to vote for President are authorized to institute
11 such actions, including actions for declaratory judgment
12 or injunctive relief, as may be appropriate to implement
13 or construe any provision of this Act or of chapter 29
14 of title 18, United States Code. The district court shall
15 immediately certify all questions of constitutionality of this
16 Act or of such chapter to the United States court of appeals
17 for that circuit, which shall hear the matter sitting en banc.

18 “(b) Notwithstanding any other provision of law or
19 rule, any decision on a matter certified under subsection (a)
20 shall be reviewable by appeal directly to the Supreme Court
21 of the United States. Such appeal must be brought within
22 twenty days of the decision of the court of appeals.

23 “(c) It shall be the duty of the court of appeals and
24 of the Supreme Court of the United States to advance on

1 the docket and to expedite to the greatest possible extent the
2 disposition of any question certified under subsection (a).”

3 TITLE III—CRIMES RELATING TO ELECTIONS
4 AND POLITICAL ACTIVITIES

5 CHANGES IN DEFINITIONS

6 SEC. 301. (a) Paragraph (a) of section 591 of title 18,
7 United States Code, is amended by—

8 (1) inserting “or” before “(4)”; and

9 (2) striking out “, and (5) the election of dele-
10 gates to a constitutional convention for proposing amend-
11 ments to the Constitution of the United States”.

12 (b) Such section 591 is amended by striking out para-
13 graph (d) and inserting in lieu thereof the following:

14 “(d) ‘political committee’ means—

15 “(1) any committee, club, association, or other
16 group of persons which receives contributions or makes
17 expenditures during a calendar year in an aggregate
18 amount exceeding \$1,000;

19 “(2) any national committee, association, or orga-
20 nization of a political party, any State affiliate or sub-
21 sidiary of a national political party, and any State com-
22 mittee of a political party; and

23 “(3) any committee, association, or organization
24 engaged in the administration of a separate segregated
25 fund described in section 610;”.

1 (c) Such section 591 is amended by—

2 (1) inserting in paragraph (e) (1) after “subscrip-
3 tion” the following: “(including any assessment, fee, or
4 membership dues) ”;

5 (2) striking out in such paragraph “or for the pur-
6 pose of influencing the election of delegates to a consti-
7 tutional convention for proposing amendments to the
8 Constitution of the United States” and inserting in lieu
9 thereof the following: “or for the purpose of financing
10 any operations of a political committee, or for the pur-
11 pose of paying, at any time, any debt or obligation in-
12 curred by a candidate or a political committee in con-
13 nection with any campaign for nomination for election,
14 or for election, to Federal office”;

15 (3) striking out subparagraph (2) of paragraph
16 (e), and amending subparagraph (3) of such paragraph
17 to read as follows:

18 “(2) funds received by a political committee which
19 are transferred to that committee from another political
20 committee;” and

21 (4) redesignating subparagraphs (4) and (5)
22 of paragraph (e) as paragraphs (3) and (4),
23 respectively.

24 (d) Such section 591 is amended by striking out para-
25 graph (f) and inserting in lieu thereof the following:

1 “(f) ‘expenditure’ means—

2 “(1) a purchase, payment, distribution, loan
3 (except a loan of money by a National or State bank
4 made in accordance with the applicable banking laws
5 and regulations, and in the ordinary course of business),
6 advance, deposit, or gift of money or anything of value,
7 made for the purpose of—

8 “(A) influencing the nomination for election,
9 or the election, of any person to Federal office, or
10 to the office of presidential and vice-presidential
11 elector;

12 “(B) influencing the result of a primary elec-
13 tion held for the selection of delegates to a national
14 nominating convention of a political party or for the
15 expression of a preference for the nomination of
16 persons for election to the office of President;

17 “(C) financing any operations of a political
18 committee; or

19 “(D) paying, at any time, any debt or obliga-
20 tion incurred by a candidate or a political committee
21 in connection with any campaign for nomination
22 for election, or for election, to Federal office; and

23 “(2) the transfer of funds by a political committee
24 to another political committee; but

25 “(3) does not include the value of service rendered

1 by individuals who volunteer to work without compen-
2 sation on behalf of a candidate;”.

3 (e) Such section 591 is amended by striking out “and”
4 at the end of paragraph (g), striking out “States.” in
5 paragraph (h) and inserting in lieu thereof “States;”, and
6 by adding at the end thereof the following new paragraphs:

7 “(i) ‘political party’ means any association, commit-
8 tee, or organization which nominates a candidate for elec-
9 tion to any Federal office whose name appears on the elec-
10 tion ballot as the candidate of that association, committee,
11 or organization;

12 “(j) ‘State committee’ means the organization which,
13 by virtue of the bylaws of a political party, is responsible for
14 the day-to-day operation of that political party at the State
15 level, as determined by the Federal Election Commission;
16 and

17 “(k) ‘national committee’ means the organization which,
18 by virtue of the bylaws of the political party, is responsible
19 for the day-to-day operation of that political party at the
20 national level as determined by the Federal Election Com-
21 mission under section 301 (k) of the Federal Election Cam-
22 paign Act of 1971.”.

1 EXPENDITURE OF PERSONAL AND FAMILY FUNDS
2 FOR FEDERAL CAMPAIGNS

3 SEC. 302. (a) (1) Subsection (a) (1) of section 608 of
4 title 18, United States Code, is amended to read as follows:

5 “(a) (1) No candidate may make expenditures from
6 his personal funds, or the personal funds of his immediate
7 family, in connection with his campaigns for nomination for
8 election, and for election, to Federal office in excess in the
9 aggregate during any calendar year, of—

10 “(A) \$50,000, in the case of a candidate for the
11 office of President or Vice President;

12 “(B) \$35,000, in the case of a candidate for the
13 office of Senator; or

14 “(C) \$25,000, in the case of a candidate for the
15 office of Representative, or Delegate or Resident Com-
16 missioner to the Congress.”.

17 (2) Subsection (a) of such section is amended by add-
18 ing at the end thereof the following new paragraphs:

19 “(3) No candidate or his immediate family may make
20 loans or advances from their personal funds in connection
21 with his campaign for nomination for election, or election, to
22 Federal office unless such loan or advance is evidenced by a
23 written instrument fully disclosing the terms and conditions
24 of such loan or advance.

1 “(4) For purposes of this subsection, any such loan or
2 advance shall be included in computing the total amount of
3 such expenditures only to the extent of the balance of such
4 loan or advance outstanding and unpaid.”.

5 (b) Subsection (c) of such section is amended by
6 striking out “\$1,000” and inserting in lieu thereof “\$25,-
7 000”, and by striking out “one year” and inserting in lieu
8 thereof “five years”.

9 (c) (1) The caption of such section 608 is amended by
10 adding at the end thereof the following: “out of candidates’
11 personal and family funds”.

12 (2) The table of sections for chapter 29 of title 18,
13 United States Code, is amended by striking out the item
14 relating to section 608 and inserting in lieu thereof the
15 following:

“608. Limitations on contributions and expenditures out of candidates’
personal and family funds.”.

16 (d) Notwithstanding the provisions of section 608 of
17 title 18, United States Code, it shall not be unlawful for
18 any individual who, as of the date of enactment of this
19 Act, has outstanding any debt or obligation incurred on
20 his behalf by any political committee in connection with
21 his campaigns prior to January 1, 1973, for nomination for
22 election, and for election, to Federal office, to satisfy or dis-
23 charge any such debt or obligation out of his own personal

1 funds or the personal funds of his immediate family (as such
2 term is defined in such section 608).

3 SEPARATE SEGREGATED FUND MAINTENANCE BY
4 GOVERNMENT CONTRACTORS

5 SEC. 303. Section 611 of title 18, United States Code,
6 is amended by adding at the end thereof the following
7 new paragraph:

8 “It is not a violation of the provisions of this section
9 for a corporation or a labor organization to establish, ad-
10 minister, or solicit contributions to a separate segregated fund
11 to be utilized for political purposes by that corporation or
12 labor organization if the establishment and administration of,
13 and solicitation of contributions to, such fund are not a vio-
14 lation of section 610.”.

15 LIMITATIONS ON POLITICAL CONTRIBUTIONS AND EX-
16 PENDITURES; EMBEZZLEMENT OR CONVERSION OF
17 CAMPAIGN FUNDS; EARLY DISCLOSURE OF PRESIDEN-
18 TIAL ELECTION RESULTS; FRAUDULENT MISREPRE-
19 SENTATION OF CAMPAIGN AUTHORITY

20 SEC. 304. (a) Chapter 29 of title 18, United States
21 Code, is amended by adding at the end thereof the following
22 new sections:

23 “§ 614. Limitation on expenditures generally

24 “(a) (1) No candidate may make expenditures in con-
25 nection with his campaign for nomination for election, or for
26 election, to Federal office in excess of the amount to which he

1 would be limited under section 504 of the Federal Election
2 Campaign Act of 1971 if he were receiving payments under
3 title V of that Act.

4 “(2) Expenditures made on behalf of any candidate
5 are, for the purposes of this section, considered to be made
6 by such candidate.

7 “(3) Expenditures made by or on behalf of any candi-
8 date for the office of Vice President of the United States are,
9 for the purposes of this section, considered to be made by
10 the candidate for the office of President of the United States
11 with whom he is running.

12 “(4) For purposes of this subsection, an expenditure
13 is made on behalf of a candidate, including a Vice Presi-
14 dential candidate, if it is made by—

15 “(A) an authorized committee or any other agent
16 of the candidate for the purposes of making any ex-
17 penditure, or

18 “(B) any person authorized or requested by the
19 candidate, an authorized committee of the candidate,
20 or an agent of the candidate to make the expenditure.

21 “(5) The Federal Election Commission shall prescribe
22 regulations under which any expenditure by a candidate for
23 Presidential nomination for use in two or more States shall
24 be attributed to such candidate's expenditure limitation in
25 each such State, based on the voting age population in such

1 State which can reasonably be expected to be influenced by
2 such expenditure.

3 “(b) (1) Notwithstanding any other provisions of law
4 with respect to limitations on expenditures or limitations on
5 contributions, the national committee of a political party and
6 a State committee of a political party, including any sub-
7 ordinate committees of a State committee, may make ex-
8 penditures in connection with the general election campaign
9 of candidates for Federal office, subject to the limitations con-
10 tained in paragraphs (2) and (3) hereof.

11 “(2) The national committee of a political party may
12 not make any expenditure in connection with the general
13 election campaign of any candidate for President who is
14 affiliated with that party which exceeds an amount equal
15 to 2 cents multiplied by the voting age population of the
16 United States.

17 “(3) The national committee of a political party, or a
18 State committee of a political party, including any subordi-
19 nate committees of a State committee, may not make any ex-
20 penditure in connection with the general election campaign
21 of a candidate for Federal office in a State who is affiliated
22 with that party which exceeds—

23 “(A) in the case of a candidate for election to the
24 office of Senator, or of Representative from a State

1 where a Representative is required to run statewide, the
2 greater of—

3 “(i) 2 cents multiplied by the voting age popu-
4 lation of that State, or

5 “(ii) \$20,000; and

6 “(B) in the case of a candidate for election to the
7 office of Representative in any other State, \$10,000.

8 “(4) For purposes of this subsection—

9 “(A) the term ‘voting age population’ means voting
10 age population certified for the year under section 504
11 (g) of the Federal Election Campaign Act of 1971;
12 and

13 “(B) the approval by the national committee of
14 a political party of an expenditure by or on behalf of
15 the presidential candidate of that party as required by
16 section 316 of that Act is not considered an expenditure
17 by that national committee.

18 “(c) (1) No person may make any expenditure (other
19 than an expenditure made on behalf of a candidate under
20 the provisions of subsection (a) (4)) advocating the elec-
21 tion or defeat of a clearly identified candidate during a cal-
22 endar year which, when added to all other expenditures
23 made by that person during the year advocating the elec-
24 tion or defeat of that candidate, exceeds \$1,000.

1 “(2) For purposes of paragraph (1)—

2 “(A) ‘clearly identified’ means—

3 “(i) the candidate’s name appears;

4 “(ii) a photograph or drawing of the candi-
5 date appears; or

6 “(iii) the identity of the candidate is apparent
7 by unambiguous reference;

8 “(B) ‘person’ does not include the national or
9 State committee of a political party; and

10 “(C) ‘expenditure’ does not include any payment
11 made or incurred by a corporation or a labor organiza-
12 tion which, under the provisions of the last paragraph of
13 section 610 would not constitute an expenditure by
14 that corporation or labor organization.

15 “(3) This subsection does not apply to the Democratic
16 or Republican Senatorial Campaign Committee, the Demo-
17 cratic National Congressional Committee, or the National
18 Republican Congressional Committee.

19 “(d) Any person who knowingly or willfully violates
20 the provisions of this section, other than subsection (a) (5),
21 shall be punishable by a fine of \$25,000, imprisonment for
22 a period of not more than five years, or both. If any candi-
23 date is convicted of violating the provisions of this section
24 because of any expenditure made on his behalf (as deter-
25 mined under subsection (a) (4)) by a political committee,

1 the treasurer of that committee, or any other person author-
2 izing such expenditure, shall be punishable by a fine of not to
3 exceed \$25,000, imprisonment for not to exceed five years,
4 or both, if such person knew, or had reason to know, that
5 such expenditure was in excess of the limitation applicable
6 to such candidate under this section.

7 **“§ 615. Limitations on contributions**

8 “(a) (1) No individual may make a contribution to,
9 or for the benefit of, a candidate for that candidate’s cam-
10 paign for election, which, when added to the sum of all
11 other contributions made by that individual for that cam-
12 paign, exceeds \$3,000.

13 “(2) No person (other than an individual) may make
14 a contribution to, or for the benefit of, a candidate for
15 nomination for election, or election, which, when added to
16 the sum of all other contributions made by that person for
17 that campaign, exceeds \$6,000.

18 “(b) (1) No candidate may knowingly accept a con-
19 tribution for his campaign from any individual which, when
20 added to the sum of all other contributions received from
21 that individual for that campaign, exceeds \$3,000, or from
22 any person (other than an individual) which when added,
23 to the sum of all other contributions received from that
24 person for that campaign, exceeds \$6,000.

1 “(2) (A) No candidate may knowingly solicit or accept
2 a contribution for his campaign—

3 “(i) from a foreign national, or

4 “(ii) which is made in violation of section 613 of
5 this title.

6 “(B) For purposes of this paragraph, the term ‘foreign
7 national’ means—

8 “(i) a ‘foreign principal’ as that term is defined in
9 section 611 (b) of the Foreign Agents Registration Act
10 of 1938, as amended, other than a person who is a citi-
11 zen of the United States; or

12 “(ii) an individual who is not a citizen of the
13 United States and who is not lawfully admitted for
14 permanent residence, as defined in section 101 (a) (20)
15 of the Immigration and Nationality Act.

16 “(3) No officer or employee of a political committee
17 or of a political party may knowingly accept any contribu-
18 tion made for the benefit or use of a candidate which that
19 candidate could not accept under paragraph (1) or (2).

20 “(c) (1) For purposes of the limitations contained in
21 this section all contributions made by any person directly
22 or indirectly to or for the benefit of a particular candidate,
23 including contributions which are in any way earmarked,
24 enucumbered, or otherwise directed through an intermediary

1 or conduit to that candidate, shall be treated as contributions
2 from that person to that candidate.

3 “(2) Contributions made to, or for the benefit of, a
4 candidate nominated by a political party for election to the
5 office of Vice President shall be considered, for purposes of
6 this section, to be made to, or for the benefit of, the candidate
7 nominated by that party for election to the office of President.

8 “(3) For purposes of this section, the term ‘campaign’
9 includes all primary, primary runoff, and general election
10 campaigns related to a specific general election, and all
11 primary, primary runoff, and special election campaigns
12 related to a specific special election.

13 “(d) (1) No individual may make a contribution dur-
14 ing any calendar year which, when added to the sum of
15 all other contributions made by that individual during that
16 year, exceeds \$25,000.

17 “(2) Any contribution made for a campaign in a year,
18 other than the calendar year in which the election is held
19 to which that campaign relates, is, for purposes of para-
20 graph (1), considered to be made during the calendar year
21 in which that election is held.

22 “(e) This section does not apply to contributions made
23 by the Democratic or Republican Senatorial Campaign Com-
24 mittee, the Democratic National Congressional Committee,
25 or the National Republican Congressional Committee.

1 “(f) Violation of the provisions of this section is
2 punishable by a fine of not to exceed \$25,000, imprison-
3 ment for not to exceed five years, or both.

4 **“§ 616. Form of contributions**

5 “‘No person may make a contribution to, or for the bene-
6 fit of, any candidate or political committee in excess, in the
7 aggregate during any calendar year, of \$100 unless such
8 contribution is made by a written instrument identifying the
9 person making the contribution. Violation of the provisions
10 of this section is punishable by a fine of not to exceed \$1,000,
11 imprisonment for not to exceed one year, or both.

12 **“§ 617. Embezzlement or conversion of political contribu-**
13 **tions**

14 “(a) No candidate, officer, employee, or agent of a politi-
15 cal committee, or person acting on behalf of any candidate
16 or political committee, shall embezzle, knowingly convert
17 to his own use or the use of another, or deposit in any place
18 or in any manner except as authorized by law, any con-
19 tributions or campaign funds entrusted to him or under his
20 possession, custody, or control, or use any campaign funds to
21 pay or defray the costs of attorney fees for the defense of
22 any person or persons charged with the commission of a
23 crime; or receive, conceal, or retain the same with intent
24 to convert it to his personal use or gain, knowing it to have
25 been embezzled or converted.

1 “(b) Violation of the provisions of this section is pun-
2 ishable by a fine of not more than \$25,000, imprisonment
3 for not more than ten years, or both; but if the value of such
4 property does not exceed the sum of \$100, the fine shall not
5 exceed \$1,000 and the imprisonment shall not exceed one
6 year. Notwithstanding the provisions of this section, any
7 surplus or unexpended campaign funds may be contrib-
8 uted to a national or State political party for political pur-
9 poses, or to educational or charitable organizations, or may
10 be preserved for use in future campaigns for elective office,
11 or for any other lawful purpose.

12 **“§ 618. Voting fraud**

13 “(a) No person shall in a Federal election—

14 “(1) cast, or attempt to cast, a ballot in the name
15 of another person,

16 “(2) cast, or attempt to cast, a ballot if he is not
17 qualified to vote,

18 “(3) forge or alter a ballot,

19 “(4) miscount votes,

20 “(5) tamper with a voting machine, or

21 “(6) commit any act (or fail to do anything
22 required of him by law),

23 with the intent of causing an inaccurate count of lawfully cast
24 votes in any election.

25 “(b) A violation of the provisions of subsection (a) is

1 punishable by a fine of not to exceed \$100,000, imprison-
2 ment for not more than ten years, or both.

3 **“§ 619. Early disclosure of election results in presidential**
4 **election years**

5 “Whoever makes public any information with respect
6 to the number of votes cast for any candidate for election
7 to the office of presidential and vice-presidential elector in
8 the general election held for the appointment of presidential
9 electors, prior to midnight, eastern standard time, on the
10 day on which such election is held shall be fined not more
11 than \$5,000, imprisoned for not more than one year, or
12 both.

13 **“§ 620. Fraudulent misrepresentation of campaign au-**
14 **thority**

15 “Whoever, being a candidate for Federal office or an
16 employee or agent of such a candidate—

17 “(1) fraudulently misrepresents himself or any com-
18 mittee or organization under his control as speaking or
19 writing or otherwise acting for or on behalf of any
20 other candidate or political party or employee or agent
21 thereof on a matter which is damaging to such other
22 candidate or political party or employee or agent
23 thereof; or

24 “(2) willfully and knowingly participates in or
25 conspires to participate in any plan, scheme, or design

1 to violate paragraph (1), shall, for each such offense,
 2 be fined not more than \$50,000 or imprisoned not more
 3 than five years or both.”.

4 (b) Section 591 of title 18, United States Code, is
 5 amended by striking out “and 611” and inserting in lieu
 6 thereof “611, 614, 615, 616, 617, 618, 619, and 620”.

7 (c) The table of sections for chapter 29 of title 18,
 8 United States Code, is amended by adding at the end
 9 thereof the following new items:

“614. Limitation on expenditures generally.

“615. Limitation on contributions.

“616. Form of contributions.

“617. Embezzlement or conversion of political contributions.

“618. Voting fraud.

“619. Early disclosure of election results in presidential election years.

“620. Fraudulent misrepresentation of campaign authority.”.

10 REPEAL OF CERTAIN EXCEPTIONS TO CONTRIBUTION

11 AND EXPENDITURE LIMITATIONS

12 SEC. 305. Section 614 (c) (3) of title 18, United States
 13 Code (as added by section 304 of this Act), and section
 14 615 (e) of such title (as added by section 304 of this Act)
 15 (relating to the application of such sections to certain cam-
 16 paign committees) are repealed. Section 615 of title 18,
 17 United States Code (as added by section 304 of this Act), is
 18 amended by striking out “(f)” and inserting in lieu thereof
 19 “(e)”.

1 TITLE IV—DISCLOSURE OF FINANCIAL INTER-
2 ESTS BY CERTAIN FEDERAL OFFICERS AND
3 EMPLOYEES

4 FEDERAL EMPLOYEE FINANCIAL DISCLOSURE
5 REQUIREMENTS

6 SEC. 401. (a) Any candidate for nomination for or
7 election to Federal office who, at the time he becomes a
8 candidate, does not occupy any such office, shall file within
9 one month after he becomes a candidate for such office, and
10 each Member of Congress, each officer and employee of
11 the United States (including any member of a uniformed
12 service) who is compensated at a rate in excess of \$25,000
13 per annum, any individual occupying the position of an
14 officer or employee of the United States who performs duties
15 of the type generally performed by an individual occupying
16 grade GS-16 of the General Schedule or any higher grade
17 or position (as determined by the Federal Election Com-
18 mission regardless of the rate of compensation of such indi-
19 vidual), the President, and the Vice President shall file
20 annually, with the Commission a report containing a full
21 and complete statement of—

22 (1) the amount of each tax paid by the individual,
23 or by the individual and the individual's spouse filing
24 jointly, for the preceding calendar year, and for pur-
25 poses of this paragraph "tax" means any Federal, State,

1 or local income tax and any Federal, State, or local
2 property tax;

3 (2) the amount and source of each item of income,
4 each item of reimbursement for any expenditure, and
5 each gift or aggregate of gifts from one source (other
6 than gifts received from his spouse or any member of
7 his immediate family) received by him or by him and
8 his spouse jointly during the preceding calendar year
9 which exceeds \$100 in amount or value, including any
10 fee or other honorarium received by him for or in con-
11 nection with the preparation or delivery of any speech
12 or address, attendance at any convention or other as-
13 sembly of individuals, or the preparation of any article
14 or other composition for publication, and the monetary
15 value of subsistence, entertainment, travel, and other
16 facilities received by him in kind;

17 (3) the identity of each asset held by him, or by
18 him and his spouse jointly which has a value in excess
19 of \$1,000, and the amount of each liability owed by him
20 or by him and his spouse jointly, which is in excess of
21 \$1,000 as of the close of the preceding calendar year;

22 (4) any transactions in securities of any business
23 entity by him or by him and his spouse jointly, or by
24 any person acting on his behalf or pursuant to his direc-
25 tion during the preceding calendar year if the aggregate

1 amount involved in transactions in the securities of such
2 business entity exceeds \$1,000 during such year;

3 (5) all transactions in commodities by him, or by
4 him and his spouse jointly, or by any person acting on
5 his behalf or pursuant to his direction during the pre-
6 ceding calendar year if the aggregate amount involved in
7 such transactions exceeds \$1,000; and

8 (6) any purchase or sale, other than the purchase
9 or sale of his personal residence, of real property or any
10 interest therein by him, or by him and his spouse jointly,
11 or by any person acting on his behalf or pursuant to his
12 direction, during the preceding calendar year if the value
13 of property involved in such purchase or sale exceeds
14 \$1,000.

15 (b) Reports required by this section (other than reports
16 so required by candidates for nomination for or election to
17 Federal office) shall be filed not later than May 15 of each
18 year. A person who ceases, prior to such date in any year,
19 to occupy the office or position the occupancy of which im-
20 poses upon him the reporting requirements contained in sub-
21 section (a) shall file such report on the last day he occupies
22 such office or position, or on such later date, not more than
23 three months after such last day, as the Commission may
24 prescribe.

25 (c) Reports required by this section shall be in such

1 form and detail as the Commission may prescribe. The Com-
2 mission may provide for the grouping of items of income,
3 sources of income, assets, liabilities, dealings in securities or
4 commodities, and purchases and sales of real property, when
5 separate itemization is not feasible or is not necessary for an
6 accurate disclosure of the income, net worth, dealing in secu-
7 rities and commodities, or purchases and sales of real prop-
8 erty of any individual.

9 (d) Any person who willfully fails to file a report re-
10 quired by this section or who knowingly and willfully files a
11 false report under this section, shall be fined not more than
12 \$2,000, or imprisoned for not more than five years, or both.

13 (e) All reports filed under this section shall be main-
14 tained by the Commission as public records, which, under
15 such reasonable rules as it shall prescribe, shall be available
16 for inspection by members of the public.

17 (f) For the purposes of any report required by this
18 section, an individual is considered to be President, Vice
19 President, a Member of Congress, an officer or employee
20 of the United States, or a member of a uniformed service,
21 during any calendar year if he serves in any such position
22 for more than six months during such calendar year.

23 (g) As used in this section—

24 (1) The term “income” means gross income as defined
25 in section 61 of the Internal Revenue Code of 1954.

1 (2) The term “security” means security as defined in
2 section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

3 (3) The term “commodity” means commodity as de-
4 fined in section 2 of the Commodity Exchange Act (7
5 U.S.C. 2).

6 (4) The term “transactions in securities or commodities”
7 means any acquisition, holding, withholding, use, transfer,
8 or other disposition involving any security or commodity.

9 (5) The term “Member of Congress” means a Senator,
10 a Representative, a Resident Commissioner, or a Delegate.

11 (6) The term “officer” has the same meaning as in
12 section 2104 of title 5, United States Code.

13 (7) The term “employee” has the same meaning as in
14 section 2105 of such title.

15 (8) The term “uniformed service” means any of the
16 Armed Forces, the commissioned corps of the Public Health
17 Service, or the commissioned corps of the National Oceanic
18 and Atmospheric Administration.

19 (9) The term “immediate family” means the child,
20 parent, grandparent, brother, or sister of an individual, and
21 the spouses of such persons.

22 (h) Section 554 of title 5, United States Code, is
23 amended by adding at the end thereof the following new
24 subsection:

25 “(f) All written communications and memorandums

1 stating the circumstances, source, and substance of all oral
2 communications made to the agency, or any officer or em-
3 ployee thereof, with respect to any adjudication which is sub-
4 ject to the provisions of this section by any person who is not
5 an officer or employee of the agency shall be made a part of
6 the public record of such case. This subsection shall not apply
7 to communications to any officer, employee, or agent of the
8 agency engaged in the performance of investigative or prose-
9 cuting functions for the agency with respect to such case.”

10 (i) The first report required under this section shall
11 be due thirty days after the date of enactment and shall be
12 filed with the Comptroller General of the United States, who
13 shall, for purposes of this subsection, have the powers and
14 duties conferred upon the Commission by this section.

15 TITLE V—MISCELLANEOUS

16 SIMULTANEOUS POLL CLOSING TIME

17 SEC. 501. On every national election day, commencing
18 on the date of the national elections in 1976, the closing time
19 of the polling places in the several States for the election of
20 electors for President and Vice President of the United
21 States and the election of United States Senators and Rep-
22 resentatives shall be as follows: 11 postmeridian standard
23 time in the eastern time zone; 10 postmeridian standard time
24 in the central time zone; 9 postmeridian standard time in the
25 mountain time zone; 8 postmeridian standard time in the

1 Pacific time zone; 7 postmeridian standard time in the Yukon
 2 time zone; 6 postmeridian standard time in the Alaska-
 3 Hawaii time zone; and 5 postmeridian standard time in the
 4 Bering time zone: *Provided*, That the polling places in each
 5 of the States shall be open for at least twelve hours.

6 FEDERAL ELECTION DAY

7 SEC. 502. Section 6103 (a) of title 5, United States
 8 Code is amended by inserting between—

9 “Veterans Day, the fourth Monday in October.” and

10 “Thanksgiving Day, the fourth Thursday in November.”

11 the following new item:

12 “Election Day, the first Wednesday next after the
 13 first Monday in November in 1976, and every second year
 14 thereafter.”.

15 REVIEW OF INCOME TAX RETURNS

16 SEC. 503. (a) On or before July 1 of each and every
 17 year hereafter, the Comptroller General of the United
 18 States shall obtain from the Internal Revenue Service all
 19 returns of income filed by each Member of Congress, each
 20 employee or official of the executive, judicial, and legislative
 21 branch whose gross income for the most recent year exceeds
 22 \$20,000, for the five previous years. Upon receipt of such
 23 returns, the Comptroller General of the United States shall
 24 submit such income returns to an intensive inspection and

1 audit for the purpose of determining the correctness with
2 respect to the Member's tax liability.

3 (b) Upon completion of such inspection and audit, the
4 Comptroller General of the United States shall prepare and
5 file a report of the results of his inspection and audit with
6 the appropriate officer of the Internal Revenue Service for
7 such further action with respect to such return as the Internal
8 Revenue Service shall deem proper. The Comptroller General
9 of the United States shall deliver a copy of such report and
10 results of such audit and inspection to the Member or candi-
11 date concerned.

12 (c) The Internal Revenue Service shall assist the
13 Comptroller General of the United States as necessary in
14 administering the provisions of this section.

Passed the Senate April 11, 1974.

Attest:

FRANCIS R. VALEO,

Secretary.

93^D CONGRESS
2^D SESSION

S. 3044

AN ACT

To amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office, and to amend certain other provisions of law relating to the financing and conduct of such campaigns.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 1974

Ordered to be printed as passed